

1           973.01 (2) (c) 2. If more than one of the following penalty enhancement statutes  
2 apply to a crime, the court shall apply them in the order listed in calculating the  
3 maximum term of imprisonment for that crime:

4           a. Sections 939.621, 939.632, 939.645, 961.46, and 961.49.

5           b. Section 939.63.

6           c. Section 939.62 (1) or 961.48.

7           \*~~4548/2.852~~\* \*~~0590/P5.426~~\* **SECTION 1130.** 973.01 (2) (d) of the statutes is  
8 renumbered 973.01 (2) (d) (intro.) and amended to read:

9           973.01 (2) (d) *Minimum and maximum term of extended supervision.* (intro.)

10          The term of extended supervision ~~that follows the term of confinement in prison~~ may  
11 not be less than 25% of the length of the term of confinement in prison imposed under  
12 par. (b) and, for a classified felony, is subject to whichever of the following limits is  
13 applicable:

14          \*~~4548/2.853~~\* \*~~0590/P5.427~~\* **SECTION 1131.** 973.01 (2) (d) 1. to 6. of the  
15 statutes are created to read:

16          973.01 (2) (d) 1. For a Class B felony, the term of extended supervision may not  
17 exceed 20 years.

18          2. For a Class C felony, the term of extended supervision may not exceed 15  
19 years.

20          3. For a Class D felony, the term of extended supervision may not exceed 10  
21 years.

22          4. For a Class E, F, or G felony, the term of extended supervision may not exceed  
23 5 years.

24          5. For a Class H felony, the term of extended supervision may not exceed 3  
25 years.

1           6. For a Class I felony, the term of extended supervision may not exceed 2 years.

2           **\*b2613/1.13\* SECTION 1131m.** 973.01 (3m) of the statutes is amended to read:

3           973.01 (3m) CHALLENGE INCARCERATION PROGRAM ELIGIBILITY. When imposing  
4 a bifurcated sentence under this section on a person convicted of a crime other than  
5 a crime specified in ch. 940 or s. 948.02, 948.025, 948.03, 948.05, 948.055, 948.06,  
6 948.07, 948.075, 948.08, or 948.095, the court shall, as part of the exercise of its  
7 sentencing discretion, decide whether the person being sentenced is eligible or  
8 ineligible for the challenge incarceration program under s. 302.045 during the term  
9 of confinement in prison portion of the bifurcated sentence.

10           **\*-4548/2.854\* \*-3370/P2.8\* SECTION 1132.** 973.01 (4) of the statutes is  
11 amended to read:

12           973.01 (4) NO GOOD TIME; EXTENSION OR REDUCTION OF TERM OF IMPRISONMENT. A  
13 person sentenced to a bifurcated sentence under sub. (1) shall serve the term of  
14 confinement in prison portion of the sentence without reduction for good behavior.  
15 The term of confinement in prison portion is subject to extension under s. 302.113 (3)  
16 and, if applicable, to reduction under s. 302.045 (3m), 302.113 (9g), or 973.195 (1r).

17           **\*-4548/2.855\* SECTION 1133.** 973.01 (6) of the statutes is amended to read:

18           973.01 (6) NO PAROLE. A person serving a bifurcated sentence imposed under  
19 sub. (1) is not eligible for release on parole under that sentence.

20           **\*b2613/1.14\* SECTION 1134f.** 973.0135 (1) (b) 2. of the statutes is amended to  
21 read:

22           973.0135 (1) (b) 2. Any felony under s. 940.01, 940.02, 940.03, 940.05, 940.09  
23 (1), 940.16, 940.19 (5), 940.195 (5), 940.21, 940.225 (1) or (2), 940.305, 940.31,  
24 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g), (1m), or (1r), 943.32 (2), 946.43 (1m),

1 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c), 948.05, 948.06, 948.07, 948.075, 948.08,  
2 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

3 **\*b2613/1.14\* SECTION 1134g.** 973.0135 (1) (b) 2. of the statutes, as affected by  
4 2001 Wisconsin Act .... (this act), is amended to read:

5 973.0135 (1) (b) 2. Any felony under s. 940.09 (1), 1999 stats., s. 943.23 (1m)  
6 or (1r), 1999 stats., s. 948.35 (1) (b) or (c), 1999 stats., or s. 948.36, 1999 stats., s.  
7 940.01, 940.02, 940.03, 940.05, 940.09 (1) (1c), 940.16, 940.19 (5), 940.195 (5), 940.21,  
8 940.225 (1) or (2), 940.305, 940.31, 941.327 (2) (b) 4., 943.02, 943.10 (2), 943.23 (1g),  
9 (1m), or (1r), 943.32 (2), 946.43 (1m), 948.02 (1) or (2), 948.025, 948.03 (2) (a) or (c),  
10 948.05, 948.06, 948.07, 948.075, 948.08, or 948.30 (2), 948.35 (1) (b) or (c), or 948.36.

11 **\*-4548/2.857\* \*-0590/P5.429\* SECTION 1135.** 973.017 of the statutes is  
12 created to read:

13 **973.017 Bifurcated sentences; use of guidelines; consideration of**  
14 **aggravating and mitigating factors. (1) DEFINITION.** In this section, “sentencing  
15 decision” means a decision as to whether to impose a bifurcated sentence under s.  
16 973.01 or place a person on probation and a decision as to the length of a bifurcated  
17 sentence, including the length of each component of the bifurcated sentence, the  
18 amount of a fine, and the length of a term of probation.

19 **(2) GENERAL REQUIREMENT.** When a court makes a sentencing decision  
20 concerning a person convicted of a criminal offense committed on or after the  
21 effective date of this subsection .... [revisor inserts date], the court shall consider all  
22 of the following:

23 (a) If the offense is a felony, the sentencing guidelines adopted by the  
24 sentencing commission under s. 973.30 or, if the sentencing commission has not  
25 adopted a guideline for the offense, any applicable temporary sentencing guideline

1 adopted by the criminal penalties study committee created under 1997 Wisconsin  
2 Act 283.

3 (ad) The protection of the public.

4 (ag) The gravity of the offense.

5 (ak) The rehabilitative needs of the defendant.

6 (b) Any applicable mitigating factors and any applicable aggravating factors,  
7 including the aggravating factors specified in subs. (3) to (8).

8 **(3) AGGRAVATING FACTORS; GENERALLY.** When making a sentencing decision for  
9 any crime, the court shall consider all of the following as aggravating factors:

10 (a) The fact that the person committed the crime while his or her usual  
11 appearance was concealed, disguised, or altered, with the intent to make it less likely  
12 that he or she would be identified with the crime.

13 (b) The fact that the person committed the crime using information that was  
14 disclosed to him or her under s. 301.46.

15 (c) The fact that the person committed the crime for the benefit of, at the  
16 direction of, or in association with any criminal gang, as defined in s. 939.22 (9), with  
17 the specific intent to promote, further, or assist in any criminal conduct by criminal  
18 gang members, as defined in s. 939.22 (9g).

19 (d) The fact that the person committed the felony while wearing a vest or other  
20 garment designed, redesigned, or adapted to prevent bullets from penetrating the  
21 garment.

22 (e) 1. Subject to subd. 2., the fact that the person committed the felony with the  
23 intent to influence the policy of a governmental unit or to punish a governmental unit  
24 for a prior policy decision, if any of the following circumstances also applies to the  
25 felony committed by the person:

1 a. The person caused bodily harm, great bodily harm, or death to another.

2 b. The person caused damage to the property of another and the total property  
3 damaged is reduced in value by \$25,000 or more. For the purposes of this subd. 1.  
4 b., property is reduced in value by the amount that it would cost either to repair or  
5 to replace it, whichever is less.

6 c. The person used force or violence or the threat of force or violence.

7 2. a. In this subdivision, “labor dispute” includes any controversy concerning  
8 terms, tenure, or conditions of employment or concerning the association or  
9 representation of persons in negotiating, fixing, maintaining, changing, or seeking  
10 to arrange terms or conditions of employment, regardless of whether the disputants  
11 stand in the proximate relation of employer and employee.

12 b. Subdivision 1. does not apply to conduct arising out of or in connection with  
13 a labor dispute.

14 (4) AGGRAVATING FACTORS; SERIOUS SEX CRIMES COMMITTED WHILE INFECTED WITH  
15 CERTAIN DISEASES. (a) In this subsection:

16 1. “HIV” means any strain of human immunodeficiency virus, which causes  
17 acquired immunodeficiency syndrome.

18 2. “Serious sex crime” means a violation of s. 940.225 (1) or (2), 948.02 (1) or (2),  
19 or 948.025.

20 3. “Sexually transmitted disease” means syphilis, gonorrhea, hepatitis B,  
21 hepatitis C, or chlamydia.

22 4. “Significantly exposed” means sustaining a contact which carries a potential  
23 for transmission of a sexually transmitted disease or HIV by one or more of the  
24 following:

1 a. Transmission, into a body orifice or onto mucous membrane, of blood; semen;  
2 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or  
3 amniotic fluid; or other body fluid that is visibly contaminated with blood.

4 b. Exchange, during the accidental or intentional infliction of a penetrating  
5 wound, including a needle puncture, of blood; semen; vaginal secretions;  
6 cerebrospinal, synovial, pleural, peritoneal, pericardial, or amniotic fluid; or other  
7 body fluid that is visibly contaminated with blood.

8 c. Exchange, into an eye, an open wound, an oozing lesion, or other place where  
9 a significant breakdown in the epidermal barrier has occurred, of blood; semen;  
10 vaginal secretions; cerebrospinal, synovial, pleural, peritoneal, pericardial, or  
11 amniotic fluid; or other body fluid that is visibly contaminated with blood.

12 (b) When making a sentencing decision concerning a person convicted of a  
13 serious sex crime, the court shall consider as an aggravating factor the fact that the  
14 serious sex crime was committed under all of the following circumstances:

15 1. At the time that he or she committed the serious sex crime, the person  
16 convicted of committing the serious sex crime had a sexually transmitted disease or  
17 acquired immunodeficiency syndrome or had had a positive test for the presence of  
18 HIV, antigen, or nonantigenic products of HIV or an antibody to HIV.

19 2. At the time that he or she committed the serious sex crime, the person  
20 convicted of committing the serious sex crime knew that he or she had a sexually  
21 transmitted disease or acquired immunodeficiency syndrome or that he or she had  
22 had a positive test for the presence of HIV, antigen, or nonantigenic products of HIV  
23 or an antibody to HIV.

1           3. The victim of the serious sex crime was significantly exposed to HIV or to the  
2 sexually transmitted disease, whichever is applicable, by the acts constituting the  
3 serious sex crime.

4           **(5) AGGRAVATING FACTORS; VIOLENT FELONY COMMITTED AGAINST ELDER PERSON.** (a)

5 In this subsection:

6           1. “Elder person” means any individual who is 62 years of age or older.

7           2. “Violent felony” means any felony under s. 940.19 (2), (4), (5), or (6), 940.225  
8 (1), (2), or (3), 940.23, or 943.32.

9           (b) When making a sentencing decision concerning a person convicted of a  
10 violent felony, the court shall consider as an aggravating factor the fact that the  
11 victim of the violent felony was an elder person. This paragraph applies even if the  
12 person mistakenly believed that the victim had not attained the age of 62 years.

13           **(6) AGGRAVATING FACTORS; CHILD SEXUAL ASSAULT OR CHILD ABUSE BY CERTAIN**  
14 **PERSONS.** (a) In this subsection, “person responsible for the welfare the child”  
15 includes the child’s parent, stepparent, guardian, foster parent, or treatment foster  
16 parent; an employee of a public or private residential home, institution, or agency;  
17 any other person legally responsible for the child’s welfare in a residential setting;  
18 or a person employed by one who is legally responsible for the child’s welfare to  
19 exercise temporary control or care for the child.

20           (b) When making a sentencing decision concerning a person convicted of a  
21 violation of s. 948.02 (1) or (2), 948.025 (1), or 948.03 (2) or (3), the court shall consider  
22 as an aggravating factor the fact that the person was a person responsible for the  
23 welfare of the child who was the victim of the violation.

24           **(7) AGGRAVATING FACTORS; HOMICIDE OR INJURY BY INTOXICATED USE OF A VEHICLE.**

25 When making a sentencing decision concerning a person convicted of a violation of

1 s. 940.09 (1) or 940.25 (1), the court shall consider as an aggravating factor the fact  
2 that, at the time of the violation, there was a minor passenger under 16 years of age  
3 or an unborn child in the person's motor vehicle.

4 (8) AGGRAVATING FACTORS; CONTROLLED SUBSTANCES OFFENSES. (a) *Distribution*  
5 *or delivery to prisoners.* 1. In this paragraph, "precinct" means a place where any  
6 activity is conducted by a prison, jail, or house of correction.

7 2. When making a sentencing decision concerning a person convicted of  
8 violating s. 961.41 (1) or (1m), the court shall consider as an aggravating factor the  
9 fact that the violation involved delivering, distributing, or possessing with intent to  
10 deliver or distribute a controlled substance or controlled substance analog to a  
11 prisoner within the precincts of any prison, jail, or house of correction.

12 (b) *Distribution or delivery on public transit vehicles.* When making a  
13 sentencing decision concerning a person convicted of violating s. 961.41 (1) or (1m),  
14 the court shall consider as an aggravating factor the fact that the violation involved  
15 delivering, distributing, or possessing with intent to deliver or distribute a controlled  
16 substance included in schedule I or II or a controlled substance analog of any  
17 controlled substance included in schedule I or II and that the person knowingly used  
18 a public transit vehicle during the violation.

19 (9) AGGRAVATING FACTORS NOT AN ELEMENT OF THE CRIME. The aggravating factors  
20 listed in this section are not elements of any crime. A prosecutor is not required to  
21 charge any aggravating factor or otherwise allege the existence of an aggravating  
22 factor in any pleading for a court to consider the aggravating factor when making a  
23 sentencing decision.

24 (10) USE OF GUIDELINES; NO RIGHT TO OR BASIS FOR APPEAL. The requirement  
25 under sub. (2) (a) that a court consider sentencing guidelines adopted by the

1 sentencing commission or the criminal penalties study committee does not require  
2 a court to make a sentencing decision that is within any range or consistent with a  
3 recommendation specified in the guidelines, and there is no right to appeal a court's  
4 sentencing decision based on the court's decision to depart in any way from any  
5 guideline. In any appeal from a court's sentencing decision, the appellate court may  
6 reverse the sentencing decision if it determines that the sentencing court  
7 erroneously exercised its discretion in making the sentencing decision or there is not  
8 substantial evidence in the record to support the sentencing decision.

9 **(10m) STATEMENT OF REASONS FOR SENTENCING DECISION.** (a) The court shall  
10 state the reasons for its sentencing decision and, except as provided in par. (b), shall  
11 do so in open court and on the record.

12 (b) If the court determines that it is not in the interest of the defendant for it  
13 to state the reasons for its sentencing decision in the defendant's presence, the court  
14 shall state the reasons for its sentencing decision in writing and include the written  
15 statement in the record.

16 \*~~4548/2.858~~\* \*~~0590/P5.430~~\* **SECTION 1136.** 973.03 (3) (e) 1. and 2. of the  
17 statutes are amended to read:

18 973.03 (3) (e) 1. A crime which is a Class A ~~or~~, B, or C felony.

19 2. A crime which is a Class ~~C~~ D, E, F, or G felony listed in s. 969.08 (10) (b), but  
20 not including any crime specified in s. 943.10.

21 \*~~4548/2.859~~\* \*~~0590/P5.431~~\* **SECTION 1137.** 973.03 (3) (e) 3. of the statutes  
22 is repealed.

23 \*~~4548/2.860~~\* \*~~0590/P5.432~~\* **SECTION 1138.** 973.032 (4) (c) 2. of the statutes  
24 is amended to read:

1           973.032 (4) (c) 2. The person is sentenced for the escape ~~under s. 946.42 (4) (b)~~  
2 to a sentence of imprisonment concurrent with the sentence to the intensive  
3 sanctions program.

4           **\*b2613/1.15\* SECTION 1138k.** 973.034 of the statutes is amended to read:

5           **973.034 Sentencing; restriction on child sex offender working with**  
6 **children.** Whenever a court imposes a sentence or places a defendant on probation  
7 regarding a conviction under s. 940.22 (2) or 940.225 (2) (c) or (cm), if the victim is  
8 under 18 years of age at the time of the offense, or a conviction under s. 948.02 (1),  
9 948.025 (1), 948.05 (1) or (1m), 948.06 ~~or~~, 948.07 (1), (2), (3), or (4), or 948.075, the  
10 court shall inform the defendant of the requirements and penalties under s. 948.13.

11           **\*b2613/1.15\* SECTION 1138n.** 973.048 (2m) of the statutes is amended to read:

12           973.048 (2m) If a court imposes a sentence or places a person on probation for  
13 a violation, or for the solicitation, conspiracy or attempt to commit a violation, of s.  
14 940.22 (2), 940.225 (1), (2), or (3), 944.06, 948.02 (1) or (2), 948.025, 948.05, 948.055,  
15 948.06, 948.07, 948.075, 948.08, 948.095, 948.11 (2) (a) or (am), 948.12, 948.13, or  
16 948.30, or of s. 940.30 or 940.31 if the victim was a minor and the person was not the  
17 victim's parent, the court shall require the person to comply with the reporting  
18 requirements under s. 301.45 unless the court determines, after a hearing on a  
19 motion made by the person, that the person is not required to comply under s. 301.45  
20 (1m).

21           **\*-4548/2.863\* \*-0590/P5.435\* SECTION 1141.** 973.09 (2) (b) 1. of the statutes  
22 is amended to read:

23           973.09 (2) (b) 1. Except as provided in subd. 2., for felonies, not less than one  
24 year nor more than either the ~~statutory~~ maximum term of imprisonment  
25 confinement in prison for the crime or 3 years, whichever is greater.

1           \*~~4548/2.864~~\* **SECTION 1142.** 973.15 (2m) of the statutes is created to read:

2           973.15 (2m) (a) *Definitions.* In this subsection:

3           1. “Determinate sentence” means a bifurcated sentence imposed under s.  
4           973.01 or a life sentence under which a person is eligible for release to extended  
5           supervision under s. 973.014 (1g) (a) 1. or 2.

6           2. “Indeterminate sentence” means a sentence to the Wisconsin state prisons  
7           other than one of the following:

8           a. A determinate sentence.

9           b. A sentence under which the person is not eligible for release on parole under  
10          s. 939.62 (2m) (c) or 973.014 (1) (c).

11          3. “Period of confinement in prison,” with respect to any sentence to the  
12          Wisconsin state prisons, means any time during which a person is incarcerated  
13          under that sentence, including any extensions imposed under s. 302.11 (3), 302.113  
14          (3), or 302.114 (3) and any period of confinement in prison required to be served under  
15          s. 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

16          (b) *Determinate sentences imposed to run concurrent with or consecutive to*  
17          *determinate sentences.* 1. If a court provides that a determinate sentence is to run  
18          concurrent with another determinate sentence, the person sentenced shall serve the  
19          periods of confinement in prison under the sentences concurrently and the terms of  
20          extended supervision under the sentences concurrently.

21          2. If a court provides that a determinate sentence is to run consecutive to  
22          another determinate sentence, the person sentenced shall serve the periods of  
23          confinement in prison under the sentences consecutively and the terms of extended  
24          supervision under the sentences consecutively and in the order in which the  
25          sentences have been pronounced.

1           (c) *Determinate sentences imposed to run concurrent with or consecutive to*  
2 *indeterminate sentences.* 1. If a court provides that a determinate sentence is to run  
3 concurrent with an indeterminate sentence, the person sentenced shall serve the  
4 period of confinement in prison under the determinate sentence concurrent with the  
5 period of confinement in prison under the indeterminate sentence and the term of  
6 extended supervision under the determinate sentence concurrent with the parole  
7 portion of the indeterminate sentence.

8           2. If a court provides that a determinate sentence is to run consecutive to an  
9 indeterminate sentence, the person sentenced shall serve the period of confinement  
10 in prison under the determinate sentence consecutive to the period of confinement  
11 in prison under the indeterminate sentence and the parole portion of the  
12 indeterminate sentence consecutive to the term of extended supervision under the  
13 determinate sentence.

14           (d) *Indeterminate sentences imposed to run concurrent with or consecutive to*  
15 *determinate sentences.* 1. If a court provides that an indeterminate sentence is to run  
16 concurrent with a determinate sentence, the person sentenced shall serve the period  
17 of confinement in prison under the indeterminate sentence concurrent with the  
18 period of confinement in prison under the determinate sentence and the parole  
19 portion of the indeterminate sentence concurrent with the term of extended  
20 supervision required under the determinate sentence.

21           2. If a court provides that an indeterminate sentence is to run consecutive to  
22 a determinate sentence, the person sentenced shall serve the period of confinement  
23 in prison under the indeterminate sentence consecutive to the period of confinement  
24 in prison under the determinate sentence and the parole portion of the

1 indeterminate sentence consecutive to the term of extended supervision under the  
2 determinate sentence.

3 (e) *Revocation in multiple sentence cases.* If a person is serving concurrent  
4 determinate sentences and extended supervision is revoked in each case, or if a  
5 person is serving a determinate sentence concurrent with an indeterminate sentence  
6 and both extended supervision and parole are revoked, the person shall concurrently  
7 serve any periods of confinement in prison required under those sentences under s.  
8 302.11 (7) (am), 302.113 (9) (am), or 302.114 (9) (am).

9 \*~~4548/2.865~~\* **SECTION 1143.** 973.155 (1) (b) of the statutes is amended to read:  
10 973.155 (1) (b) The categories in par. (a) include custody of the convicted  
11 offender which is in whole or in part the result of a probation, extended supervision  
12 or parole hold under s. 302.113 (8m), 302.114 (8m), 304.06 (3), or 973.10 (2) placed  
13 upon the person for the same course of conduct as that resulting in the new  
14 conviction.

15 \*b3085/1.9\* **SECTION 1143m.** 973.195 of the statutes is created to read:

16 **973.195 Sentence adjustment. (1g) DEFINITION.** In this section, “applicable  
17 percentage” means 85% for a Class C to E felony and 75% for a Class F to I felony.

18 **(1r) CONFINEMENT IN PRISON.** (a) An inmate who is serving a sentence imposed  
19 under s. 973.01 for a crime other than a Class B felony may petition the sentencing  
20 court to adjust the sentence if the inmate has served at least the applicable  
21 percentage of the term of confinement in prison portion of the sentence. If an inmate  
22 is subject to more than one sentence imposed under this section, the sentences shall  
23 be treated individually for purposes of sentence adjustment under this subsection.

24 (b) Any of the following is a ground for a petition under par. (a):

1           1. The inmate's conduct, efforts at and progress in rehabilitation, or  
2 participation and progress in education, treatment, or other correctional programs  
3 since he or she was sentenced.

4           3. A change in law or procedure related to sentencing or revocation of extended  
5 supervision effective after the inmate was sentenced that would have resulted in a  
6 shorter term of confinement in prison or, if the inmate was returned to prison upon  
7 revocation of extended supervision, a shorter period of confinement in prison upon  
8 revocation, if the change had been applicable when the inmate was sentenced.

9           4. The inmate is subject to a sentence of confinement in another state or the  
10 inmate is in the United States illegally and may be deported.

11           5. Sentence adjustment is otherwise in the interests of justice.

12           (c) Upon receipt of a petition filed under par. (a), the sentencing court may deny  
13 the petition or hold the petition for further consideration. If the court holds the  
14 petition for further consideration, the court shall notify the district attorney of the  
15 inmate's petition. If the district attorney objects to adjustment of the inmate's  
16 sentence within 45 days of receiving notification under this paragraph, the court  
17 shall deny the inmate's petition.

18           (d) If the sentence for which the inmate seek's adjustment is for an offense  
19 under s. 940.225 (2) or (3), 948.02 (2), or 948.08 and the district attorney does not  
20 object to the petition within 10 days of receiving notice under par. (c), the district  
21 attorney shall notify the the victim, as defined under s. 950.02 (4), of the inmate's  
22 petition. The notice to the victim shall include information on the sentence  
23 adjustment petition process under this subsection, including information on how to  
24 object to the inmate's petition. If the victim objects to adjustment of the inmate's

1 sentence within 45 days of the date on which the district attorney received notice  
2 under par. (c), the court shall deny the inmate's petition.

3 (e) Notwithstanding the confidentiality of victim address information obtained  
4 under s. 302.113 (9g) (g) 3., a district attorney who is required to send notice to a  
5 victim under par. (d) may obtain from the clerk of the circuit court victim address  
6 information that the victim provided to the clerk under s. 302.113 (9g) (g) 3.

7 (f) If the sentencing court receives no objection to sentence adjustment from the  
8 district attorney under par. (c) or the victim under par. (d) and the court determines  
9 that sentence adjustment is in the public interest, the court may adjust the inmate's  
10 sentence as provided under par. (g). The court shall include in the record written  
11 reasons for any sentence adjustment granted under this subsection.

12 (g) Except as provided under par. (h), the only sentence adjustments that a  
13 court may make under this subsection are as follows:

14 1. If the inmate is serving the term of confinement in prison portion of the  
15 sentence, a reduction in the term of confinement in prison by the amount of time  
16 remaining in the term of confinement in prison portion of the sentence, less up to 30  
17 days, and a corresponding increase in the term of extended supervision.

18 2. If the inmate is confined in prison upon revocation of extended supervision,  
19 a reduction in the amount of time remaining in the period of confinement in prison  
20 imposed upon revocation, less up to 30 days, and a corresponding increase in the term  
21 of extended supervision.

22 (h) 1. If the court adjusts a sentence under par. (g) on the basis of a change in  
23 law or procedure as provided under par. (b) 3. and the total sentence length of the  
24 adjusted sentence is greater than the maximum sentence length that the offender  
25 could have received if the change in law or procedure had been applicable when the

1 inmate was originally sentenced, the court may reduce the length of the term of  
2 extended supervision so that the total sentence length does not exceed the maximum  
3 sentence length that the offender could have received if the change in law or  
4 procedure had been applicable when the inmate was originally sentenced.

5 2. If the court adjusts a sentence under par. (g) on the basis of a change in law  
6 or procedure as provided under par. (b) 3. and the adjusted term of extended  
7 supervision is greater than the maximum term of extended supervision that the  
8 offender could have received if the change in law or procedure had been applicable  
9 when the inmate was originally sentenced, the court may reduce the length of the  
10 term of extended supervision so that the term of extended supervision does not  
11 exceed the maximum term of extended supervision that the offender could have  
12 received if the change in law or procedure had been applicable when the inmate was  
13 originally sentenced.

14 (i) An inmate may submit only one petition under this subsection for each  
15 sentence imposed under s. 973.01.

16 \*~~4548/2.866~~\* \*~~3361/P2.14~~\* **SECTION 1144.** 973.30 of the statutes is created  
17 to read:

18 **973.30 Sentencing commission.** (1) DUTIES. The sentencing commission  
19 shall do all of the following:

20 (a) Select an executive director having appropriate training and experience to  
21 study sentencing practices and prepare proposed sentencing guidelines.

22 (b) Monitor and compile data regarding sentencing practices in the state.

23 (c) Adopt advisory sentencing guidelines for felonies committed on or after the  
24 effective date of this paragraph .... [revisor inserts date], to promote public safety, to

1 reflect changes in sentencing practices and to preserve the integrity of the criminal  
2 justice and correctional systems.

3 (d) Provide information to the legislature, state agencies, and the public  
4 regarding the costs to and other needs of the department which result from  
5 sentencing practices.

6 (e) Provide information to judges and lawyers about the sentencing guidelines.

7 (f) Publish and distribute to all circuit judges hearing criminal cases an annual  
8 report regarding its work, which shall include all sentencing guidelines and all  
9 changes in existing sentencing guidelines adopted during the 12 months preceding  
10 the report.

11 (g) Study whether race is a basis for imposing sentences in criminal cases and  
12 submit a report and recommendations on this issue to the governor, to each house  
13 of the legislature under s. 13.172 (2), and to the supreme court.

14 (h) Assist the legislature in assessing the cost of enacting new or revising  
15 existing statutes affecting criminal sentencing.

16 (i) At least semiannually, submit reports to all circuit judges, and to the chief  
17 clerk of each house of the legislature for distribution to the appropriate standing  
18 committees under s. 13.172 (3), containing statistics regarding criminal sentences  
19 imposed in this state. Each report shall have a different focus and need not contain  
20 statistics regarding every crime. Each report shall contain information regarding  
21 sentences imposed statewide and in each of the following geographic areas:

- 22 1. Milwaukee County.
- 23 2. Dane and Rock counties.
- 24 3. Brown, Outagamie, Calumet, and Winnebago counties.
- 25 4. Racine and Kenosha counties.

1 5. All other counties.

2 (j) Study how sentencing options affect various types of offenders and offenses.

3 (2) **STAFF.** Subject to authorization under s. 16.505, the sentencing commission  
4 may hire staff to assist it in the performance of its duties.

5 (3) **SUNSET.** This section does not apply after December 31, 2007.

6 **\*-4548/2.867\* \*-3370/P2.9\* SECTION 1145.** 977.05 (4) (jm) of the statutes is  
7 created to read:

8 977.05 (4) (jm) At the request of an inmate determined by the state public  
9 defender to be indigent or upon referral of a court under s. 302.113 (9g) (j), represent  
10 the inmate in proceedings for modification of a bifurcated sentence under s. 302.113  
11 (9g) before a program review committee and the sentencing court, if the state public  
12 defender determines the case should be pursued.

13 **\*-4548/2.868\* \*-3266/P1.151\* SECTION 1146.** 977.06 (2) (b) of the statutes is  
14 amended to read:

15 977.06 (2) (b) A person who makes a false representation that he or she does  
16 not believe is true for purposes of qualifying for assignment of counsel ~~shall be fined~~  
17 ~~not more than \$10,000 or imprisoned for not more than 7 years and 6 months or both~~  
18 is guilty of a Class I felony.

19 **\*-4548/2.869\* SECTION 1147.** 978.13 (1) (intro.) of the statutes is amended to  
20 read:

21 978.13 (1) (intro.) The Subject to sub. (1m), the state shall assume financial  
22 responsibility for all of the following:

23 **\*-4548/2.870\* SECTION 1148.** 978.13 (1) (b) of the statutes is amended to read:

24 978.13 (1) (b) In counties having a population of 500,000 or more, the salary  
25 and fringe benefit costs of 2 clerk positions providing clerical services to the

1 prosecutors in the district attorney's office handling cases involving felony violations  
2 under ch. 961. The state treasurer shall pay the amount authorized under this  
3 paragraph subsection to the county treasurer pursuant to a voucher submitted by  
4 the district attorney to the department of administration from the appropriation  
5 under s. 20.475 (1) (i). ~~The amount paid under this paragraph may not exceed~~  
6 ~~\$75,200 in the 1999–2000 fiscal year and \$77,500 in the 2000–01 fiscal year.~~

7 **\*-4548/2.871\* SECTION 1149.** 978.13 (1) (c) of the statutes is amended to read:

8 978.13 (1) (c) In counties having a population of 500,000 or more, the salary and  
9 fringe benefit costs of clerk positions in the district attorney's office necessary for the  
10 prosecution of violent crime cases primarily involving felony violations under s.  
11 939.63, if a felony is committed while armed, and under ss. 940.01 to 940.03, 940.05,  
12 940.06, 940.225, 943.23 (1g), ~~(1m) and (1r)~~ and 943.32 (2). The state treasurer shall  
13 pay the amount authorized under this paragraph subsection to the county treasurer  
14 pursuant to a voucher submitted by the district attorney to the secretary of  
15 administration from the appropriation under s. 20.475 (1) (i). ~~The amount paid~~  
16 ~~under this paragraph may not exceed \$94,400 in the 1999–2000 fiscal year and~~  
17 ~~\$97,200 in the 2000–01 fiscal year.~~

18 **\*-4548/2.872\* SECTION 1150.** 978.13 (1) (d) of the statutes, as affected by 2001  
19 Wisconsin Act 16, is amended to read:

20 978.13 (1) (d) In counties having a population of 500,000 or more, the salary  
21 and fringe benefit costs of 2 clerk positions providing clerical services to the  
22 prosecutors in the district attorney's office handling cases involving the unlawful  
23 possession or use of firearms. The state treasurer shall pay the amount authorized  
24 under this paragraph subsection to the county treasurer from the appropriation  
25 under s. 20.475 (1) (f) pursuant to a voucher submitted by the district attorney to the

1 department of administration. ~~The amount paid under this paragraph may not~~  
2 ~~exceed the amount appropriated under s. 20.475 (1) (f).~~

3 \*~~4548/2.873~~\* **SECTION 1151.** 978.13 (1m) of the statutes is created to read:

4 978.13 **(1m)** The amount paid under sub. (1) (b) and (c) combined may not  
5 exceed the amount appropriated under s. 20.475 (1) (i). The amount paid under sub.  
6 (1) (d) may not exceed the amount appropriated under s. 20.475 (1) (f).

7 \***b2391/1.13**\* **SECTION 1151r.** 979.012 of the statutes is created to read:

8 **979.012 Reporting deaths of public health concern.** (1) If a coroner or  
9 medical examiner is aware of the death of a person who, at the time of his or her  
10 death, had an illness or a health condition that satisfies s. 166.02 (7) (a), the coroner  
11 or medical examiner shall report the illness or health condition to the department  
12 of health and family services and to the local health department, as defined in s.  
13 250.01 (4), in whose jurisdiction the coroner or medical examiner is located in writing  
14 or by electronic transmission within 24 hours of learning of the deceased's illness or  
15 health condition.

16 (2) In a report under sub. (1), the coroner or medical examiner shall include all  
17 of the following information if such information is available:

18 (a) The illness or health condition of the deceased.

19 (b) The name, date of birth, gender, race, occupation, and home and work  
20 addresses of the deceased.

21 (c) The name and address of the coroner or medical examiner.

22 (d) If the illness or health condition was related to an animal or insect bite, the  
23 suspected location where the bite occurred and the name and address of the owner  
24 of the animal or insect, if an owner is identified.

1           \*~~4548/2.874~~\* **SECTION 1157.** 1997 Wisconsin Act 283, section 454 (1) (f) is  
2 amended to read:

3           [1997 Wisconsin Act 283] Section 454 (1) (f) ~~No later than April 30, 1999, the~~  
4 The committee shall submit a report of its findings and recommendations to the  
5 legislature in the manner provided under section 13.172 (2) of the statutes and to the  
6 governor. The report shall include any proposed legislation that is necessary to  
7 implement the recommendations made by the committee in its report.

8           \***b3109/1.1**\* **SECTION 1157s.** 1999 Wisconsin Act 9, section 9158 (8w) (e) is  
9 amended to read:

10           \***b3109/1.1**\* [1999 Wisconsin Act 9] Section 9158 (8w) (e) Notwithstanding the  
11 procedures for dissolution of a regional planning commission that are specified under  
12 section 66.945 (15) of the statutes, the Dane County regional planning commission  
13 shall be dissolved on October 1, ~~2002~~ 2004. All unexpended funds of the commission  
14 on that date shall be applied to any outstanding indebtedness of the commission. If  
15 any outstanding indebtedness of the commission remains after the application of the  
16 unexpended funds to such debts, the remaining indebtedness shall be assessed to  
17 Dane County. If the commission has no outstanding indebtedness and has  
18 unexpended funds, such funds shall be returned to the cities, villages, towns or  
19 county that supplied them.

20           \***b2280/2.3**\* **SECTION 1158b.** 1999 Wisconsin Act 113, section 32 (7) is repealed.

21           \***b2319/1.2**\* **SECTION 1160m.** 2001 Wisconsin Act 16, section 9137 (6f) is  
22 amended to read:

23           [2001 Wisconsin Act 16] Section 9137 (6f) **STUDY ON WILD CRANES.** From the  
24 appropriation under section 20.370 (1) (kk) of the statutes, as created by this act, the  
25 department of natural resources shall provide in fiscal year 2001–02 a total of

1 ~~\$20,000~~ \$30,000 and in fiscal year 2002–03 a total of \$30,000 to the University of  
2 Wisconsin System and the International Crane Foundation jointly for a study of crop  
3 damage caused in this state by wild cranes.

4 **\*b2816/1.2\* SECTION 1160p.** 2001 Wisconsin Act 16, section 9157 (7e) is  
5 amended to read:

6 [2001 Wisconsin Act 16] Section 9157 (7e) COST-EFFECTIVE TRANSPORTATION  
7 SERVICES FOR VETERANS. The department of veterans affairs and the department of  
8 administration, jointly, shall determine the most cost-effective methods for  
9 providing statewide transportation services to disabled veterans under section 45.43  
10 (7m) of the statutes, as created by this act.

11 **\*b2909/2.2\* SECTION 1160q.** 2001 Wisconsin Act 16, section 9158 (8x) is  
12 amended to read:

13 [2001 Wisconsin Act 16] Section 9158 (8x) COMMUNITY YOUTH GRANTS.  
14 Notwithstanding section 49.175 (1) (z) of the statutes, as affected by this act, from  
15 the moneys allocated under section 49.175 (1) (z) of the statutes, as affected by this  
16 act, the department of workforce development shall provide grants in each fiscal year  
17 of the 2001–03 fiscal biennium to the Wisconsin chapters of the Boys and Girls Clubs  
18 of America to improve social, academic, and employment skills of youth who are  
19 eligible to receive temporary assistance for needy families under 42 USC 601 et seq.  
20 The total amount of grants that are provided under this subsection in each fiscal year  
21 of the 2001–03 fiscal biennium shall be ~~\$50,000~~ \$300,000.

22 **\*b2287/1.1\* SECTION 1160r.** 2001 Wisconsin Act 16, section 9315 (1k) is  
23 amended to read:

24 [2001 Wisconsin Act 16] Section 9315 (1k) TRAINING AND CERTIFICATION OF CHIEF  
25 INSPECTORS. The treatment of sections 7.03 (1) (a), 7.15 (1) (e), 7.30 (1) and (6) (b), and

1 7.31 (2) of the statutes first applies with respect to elections held on September 1,  
2 ~~2002~~ 2004.

3 **\*b2863/1.6\* SECTION 1160rd.** 2001 Wisconsin Act 16, section 9323 (18k),  
4 (18m), (18n), (18pk), (18pm) and (18pn) are repealed.

5 **\*b2863/1.6\* SECTION 1160ut.** 2001 Wisconsin Act 16, section 9423 (18k) is  
6 repealed.

7 **\*-4509/2.9101\* SECTION 9101. Nonstatutory provisions;**  
8 **administration.**

9 (1) COMMISSION ON LOCAL GOVERNMENT.

10 (a) There is created a special committee to be called the commission on local  
11 government, which shall consist of members appointed by the governor.

12 (b) The governor shall appoint or determine the method of appointment of the  
13 officers of the commission and shall call the first meeting of the commission.

14 (c) The department of administration shall provide necessary administrative  
15 support services to the commission.

16 (d) The department of administration shall reimburse members of the  
17 commission for their actual and necessary expenses incurred in carrying out their  
18 functions from the appropriation under section 20.505 (4) (ba) of the statutes, within  
19 the budget of the committee authorized under section 16.40 (14) of the statutes.

20 (e) The commission shall:

21 1. Examine the organization, authority, and efficiency of local governments, the  
22 services provided by each type of local government, and the services required of local  
23 governments by the state.

1           2. Review the relationship of local governments with the state, examine  
2 spending by local governments, and identify ways to increase efficiency in the  
3 delivery of local governmental services.

4           (f) No later than February 1, 2003, the commission shall report its findings and  
5 recommendations to the governor, and to the legislature in the manner provided in  
6 section 13.172 (2) of the statutes. Upon submittal of its report, the commission ceases  
7 to exist.

8           \*~~4548/2.9101~~\* (2) SENTENCING COMMISSION; INITIAL TERMS. Notwithstanding  
9 section 15.105 (27) (c) 1. of the statutes, as created by this act, the initial members  
10 of the sentencing commission shall be appointed for the following terms:

11           (a) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as  
12 created by this act, one of whom is not employed by any unit of federal, state, or local  
13 government, one circuit judge, and one prosecutor, for terms expiring on January 1,  
14 2004.

15           (b) Three members appointed under section 15.105 (27) (a) 3. of the statutes,  
16 as created by this act, one of whom is not employed by any unit of federal, state, or  
17 local government, and one circuit judge, for terms expiring on January 1, 2005.

18           (c) Two members appointed under section 15.105 (27) (a) 3. of the statutes, as  
19 created by this act, one representative of crime victims, and one attorney in private  
20 practice, for terms expiring on January 1, 2006.

21           (3) POSITION AUTHORIZATION. There is authorized for the sentencing commission  
22 1.0 FTE GPR executive director position, 1.0 FTE GPR deputy director position, and  
23 4.0 FTE GPR other positions to be funded from the appropriation under section  
24 20.505 (4) (dr) of the statutes, as created by this act.

1           (4) CRIMINAL PENALTIES STUDY COMMITTEE. Until the members of the sentencing  
2 commission created under section 973.30 of the statutes, as created by this act, are  
3 appointed, the criminal penalties study committee shall provide information to  
4 lawyers, judges, the legislature, and the public regarding changes made in the  
5 substance and structure of criminal penalties to be imposed under this act.

6           **\*b2470/2.1\*** (6e) LAPSES FROM CERTAIN APPROPRIATIONS FROM WHICH MEMBERSHIP  
7 DUES IN NATIONAL, STATE, AND LOCAL NONGOVERNMENTAL ORGANIZATIONS ARE PAID.

8           (a) In this subsection:

9           1. “Secretary” means the secretary of administration.

10           2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

11           **\*b2470/2.1\*** (b) The secretary shall determine for each state agency the  
12 amount expended by the state agency for membership dues for any national, state,  
13 or local nongovernmental organization in the 2000–01 fiscal year that was funded  
14 from general purpose revenue and the appropriation from which the dues were paid.

15           (c) From each sum certain appropriation of general purpose revenue identified  
16 in paragraph (b), the secretary shall lapse to the general fund in the 2002–03 fiscal  
17 year an amount that equals 20% of the amount specified in paragraph (b) for that  
18 appropriation. After the secretary makes the lapse, each of the sum certain  
19 appropriations is decreased by the amount of the lapse.

20           (d) For each sum sufficient appropriation of general purpose revenue identified  
21 in paragraph (b), the expenditure estimate for the appropriation during the 2002–03  
22 fiscal year is reestimated to subtract an amount that equals 20% of the amount  
23 specified in paragraph (b) for that appropriation.

24           **\*b2278/1.1\*** (6v) REALLOCATION OF CERTAIN APPROPRIATION REDUCTIONS.

1 (a) In this subsection, “state operations” means any purpose other than aids to  
2 individuals and organizations.

3 (b) The secretary of administration may submit a request to the cochairpersons  
4 of the joint committee on finance to reallocate any portion of the appropriation  
5 reduction under SECTION 9201 (4v) of this act to one or more other appropriations to  
6 the department of administration for state operations made from general purpose  
7 revenue. If the committee approves such a request, the amounts in the schedule for  
8 the affected appropriations are adjusted to reflect the the approved reallocation.

9 **\*b2268/1.6\*** (6z) HOUSING GRANTS AND LOANS FUNDING DECREASE.  
10 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
11 under section 16.42 of the statutes for the purposes of the 2003–05 biennial budget  
12 bill, the department of administration shall submit information concerning the  
13 appropriation under section 20.505 (7) (b) of the statutes as though the decreases in  
14 that appropriation by SECTION 9201 (1) of this act had not been made.

15 **\*-4666/1.9101\*** (7) ELIMINATION OF CERTAIN UNFUNDED STATE AGENCY POSITIONS.

16 (a) In this subsection:

- 17 1. “Secretary” means the secretary of administration.  
18 2. “State agency” has the meaning given in section 20.001 (1) of the statutes.

19 (b) No later than September 30, 2002, the secretary shall determine the  
20 number of positions in each state agency that were not funded as a result of any  
21 reduction in state agency operations appropriations under 2001 Wisconsin Act 16 for  
22 the 2001–03 fiscal biennium and any reduction in such appropriations required  
23 under this act.

24 (c) After making the determination under paragraph (b), the secretary shall  
25 notify the joint committee on finance in writing of the determination. If the

1       cochairpersons of the committee do not notify the secretary within 14 working days  
2       after the date of the secretary's notification that the committee has scheduled a  
3       meeting to review the determination, the secretary shall reduce each state agency's  
4       authorized positions for the 2002–03 fiscal year by the number of unfunded positions  
5       for that state agency as determined under paragraph (b). If, within 14 working days  
6       after the date of the secretary's notification, the cochairpersons of the committee  
7       notify the secretary that the committee has scheduled a meeting to review the  
8       determination, the secretary may make the reductions in the authorized positions  
9       only upon approval of the committee.

10       **\*b2281/1.1\*** (7q) SALE OF CERTAIN STATE-OWNED AIRCRAFT. In addition to the  
11       aircraft that are directed to be sold under 2001 Wisconsin Act 16, section 9101 (20j),  
12       the department of administration shall, no later than June 30, 2003, offer for sale 21  
13       aircraft selected by the department that are owned by the state on the effective date  
14       of this subsection. The department of administration shall credit the proceeds of any  
15       sales to offset any liabilities created for the aircraft under section 20.903 (2) (b) of the  
16       statutes. The department of administration shall deposit any remaining proceeds of  
17       the sales in the general fund as general purpose revenue — earned.

18       **\*b3044/2.2\*** (8w) TUITION APPROPRIATION EXPENDITURE ESTIMATE INCREASE.  
19       When amending the schedule under section 20.004 (2) of the statutes, in addition to  
20       making any other reduction required by law, the department of administration shall  
21       increase the estimated expenditure amount that appears in the schedule for the  
22       appropriation account under section 20.285 (1) (im) of the statutes by \$6,700,000 to  
23       reflect additional academic fees and tuition that may be received under section 36.27  
24       (1) (cm) of the statutes, as created by this act.

1           **\*b2248/1.1\*** (8y) FUNDING FOR LENGTH-OF-SERVICE PAYMENTS. Notwithstanding  
2 section 20.928 (1) of the statutes, during the 2001–03 fiscal biennium, no state  
3 agency, as defined in section 20.001 (1) of the statutes, may include in any  
4 certification to the department of administration under section 20.928 (1) of the  
5 statutes, and the department of administration may not include in any  
6 determination forwarded to the joint committee on finance under section 20.928 (2m)  
7 of the statutes, any sum to pay the cost of a length-of-service payment for classified  
8 employees.

9           **\*b2282/2.1\*** (8z) PRINTED PUBLICATIONS.

10           (a) In this subsection:

11           1. “Department” has the meaning given for “executive branch agency” in  
12 section 16.70 (4) of the statutes.

13           2. “Federal revenues” has the meaning given in section 20.001 (2) (e) of the  
14 statutes.

15           3. “General purpose revenues” has the meaning given in section 20.001 (2) (a)  
16 of the statutes.

17           4. “Program revenues” has the meaning given in section 20.001 (2) (b) or (c) of  
18 the statutes.

19           5. “Segregated fund revenues” has the meaning given in section 20.001 (2) (d)  
20 or (da) of the statutes.

21           (b) Notwithstanding section 16.50 (1) of the statutes, the secretary of  
22 administration shall require submission of an expenditure estimate under section  
23 16.50 (2) of the statutes for each department that proposes to expend moneys that  
24 are not encumbered on the effective date of this paragraph from any revenue source  
25 other than federal revenues for printing of any publication during the 2001–03 fiscal

1 biennium that is not required to be printed by the constitution or by law.  
2 Notwithstanding section 16.50 (2) of the statutes, the secretary shall disapprove any  
3 such estimate for printing of a publication unless the secretary finds that printing  
4 of the publication is essential.

5 (c) The secretary of administration shall, during the fiscal year for which an  
6 expenditure estimate is submitted under paragraph (b), lapse to the general fund the  
7 amount of any estimate disapproved under paragraph (b) for expenditure of moneys  
8 that are appropriated from any appropriation, other than a sum sufficient  
9 appropriation, made from general purpose revenues. The secretary shall, during the  
10 fiscal year for which an expenditure estimate is submitted under paragraph (b),  
11 transfer to the general fund the amount of any estimate disapproved under  
12 paragraph (b) for the expenditure of moneys that are appropriated from any  
13 appropriation, other than a sum sufficient appropriation, made from program  
14 revenues or segregated fund revenues. The secretary shall reestimate to subtract  
15 from the expenditure estimate published in the acts of 2001 under section 20.005 (3)  
16 of the statutes the amount of any estimate disapproved under paragraph (b) for  
17 expenditure of moneys that are appropriated from any sum sufficient appropriation.  
18 The secretary shall include any reestimate under this paragraph in his or her  
19 submission under section 20.004 (2) of the statutes.

20 (d) If the secretary of administration disapproves an expenditure estimate for  
21 the printing of any publication under paragraph (b), the department submitting the  
22 estimate shall post the content of the publication that would have been printed on  
23 the Internet.

1 (e) The secretary of administration shall submit a report to the cochairpersons  
2 of the joint committee on finance no later than July 1, 2002, identifying the amount  
3 and sources of any savings achieved as a result of implementation of this subsection.

4 **\*b3042/2.3\*** (9b) SALE OR LEASE OF STATE SURPLUS PROPERTY.

5 (a) In this subsection:

6 1. "State agency" has the meaning given in section 20.001 (1) of the statutes.

7 2. "State property" means land and improvements thereto that are owned by  
8 this state.

9 3. "Surplus property" means state property under the jurisdiction of the  
10 building commission or any other state agency that is not used or needed to carry out  
11 the program responsibilities of a state agency and is not included in the plan of a state  
12 agency for construction or development.

13 **\*b3042/2.3\*** (b) The department of administration shall compile an inventory  
14 of surplus property that has the potential to be sold or leased by the state no later  
15 than March 15, 2003.

16 **\*b3042/2.3\*** (c) No later than October 1, 2003, the department of  
17 administration shall submit to the cochairpersons of the joint committee on finance  
18 a report containing a list of surplus property that the department recommends be  
19 offered for sale or lease. In the report, the department shall specify, for each property  
20 listed, whether a sale or lease is recommended. If the cochairpersons of the  
21 committee do not notify the department that the committee has scheduled a meeting  
22 for the purpose of reviewing the proposed sale or lease of a particular surplus  
23 property that is included in the report, the department shall direct the building  
24 commission to proceed with the sale or lease. If, within 14 working days after the  
25 date of the department's submittal, the cochairpersons of the committee notify the

1 department that the committee has scheduled a meeting for the purpose of reviewing  
2 the proposed sale or lease of a particular surplus property, the department and the  
3 building commission shall not proceed with the proposed sale or lease unless the sale  
4 or lease is approved by the committee.

5 **\*-4597/P2.9104\* SECTION 9104. Nonstatutory provisions; agriculture,**  
6 **trade and consumer protection.**

7 **\*b3052/1.18\* (4xv) TRANSFER OF CONSUMER PROTECTION FUNCTIONS.**

8 (a) *Assets and liabilities.* All assets and liabilities of the department of  
9 agriculture, trade and consumer protection that are primarily related to programs  
10 or functions transferred to the department of justice under this act shall become the  
11 assets and liabilities of the department of justice. The departments of justice and  
12 agriculture, trade and consumer protection shall jointly determine these assets and  
13 liabilities and shall jointly develop and implement a plan for their orderly transfer.  
14 In the event of any disagreement between the departments, the secretary of  
15 administration shall decide the question. If either department is dissatisfied with  
16 the secretary's decision, the department may bring the matter to the cochairpersons  
17 of the joint committee on finance for consideration by the committee, and the  
18 committee shall affirm or modify the decision.

19 (b) *Employee transfers.* In the department of agriculture, trade and consumer  
20 protection 21.0 FTE positions that are primarily related to programs or functions  
21 that are transferred to the department of justice under this act, and the incumbents  
22 holding these positions are transferred to the department of justice. The secretary  
23 of administration shall determine which incumbents will be transferred. If either  
24 department is dissatisfied with the secretary's decision, the department may bring

1 the matter to the cochairpersons of the joint committee on finance for consideration  
2 by the committee, and the committee shall affirm or modify the decision.

3 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
4 rights and same status under subchapter V of chapter 111 and chapter 230 of the  
5 statutes in the department of justice that they enjoyed in the department of  
6 agriculture, trade and consumer protection immediately before the transfer.  
7 Notwithstanding section 230.28 (4) of the statutes, no employee so transferred who  
8 has attained permanent status in class is required to serve a probationary period.

9 (d) *Supplies and equipment.* All tangible personal property, including records,  
10 of the department of agriculture, trade and consumer protection that are primarily  
11 related to programs or functions that are transferred to the department of justice  
12 under this act are transferred to the department of justice. The departments of  
13 justice and agriculture, trade and consumer protection shall jointly identify the  
14 tangible personal property, including records, and shall jointly develop and  
15 implement a plan for their orderly transfer. In the event of any disagreement  
16 between the departments, the secretary of administration shall decide the question.  
17 If either department is dissatisfied with the secretary's decision, the department  
18 may bring the matter to the cochairpersons of the joint committee on finance for  
19 consideration by the committee, and the committee shall affirm or modify the  
20 decision.

21 (e) *Pending matters.* Any matter pending with the department of agriculture,  
22 trade and consumer protection that is primarily related to a program or function that  
23 is transferred to the department of justice under this act is transferred to the  
24 department of justice. All materials submitted or actions taken by the department

1 of agriculture, trade and consumer protection with respect to the pending matter are  
2 considered as having been submitted to or taken by the department of justice.

3 (f) *Contracts.* All contracts entered into by the department of agriculture, trade  
4 and consumer protection or the department of justice that are primarily related to  
5 programs or functions transferred to the department of justice under this act, and  
6 that are in effect on the effective date of this paragraph, remain in effect and those  
7 contracts entered into by the department of agriculture, trade and consumer  
8 protection are transferred to the department of justice. The departments of justice  
9 and agriculture, trade and consumer protection shall jointly identify these contracts  
10 and shall jointly develop and implement a plan for their orderly transfer. In the event  
11 of any disagreement between the departments, the secretary of administration shall  
12 decide the question. If either department is dissatisfied with the secretary's decision,  
13 the department may bring the matter to the cochairpersons of the joint committee  
14 on finance for consideration by the committee, and the committee shall affirm or  
15 modify the decision. The department of justice shall carry out the obligations under  
16 these contracts until the obligations are modified or rescinded by the department of  
17 justice to the extent allowed under the contract.

18 (g) *Rules and orders.* All rules promulgated by the department of agriculture,  
19 trade and consumer protection that are in effect on the effective date of this  
20 paragraph and that are primarily related to programs or functions that are  
21 transferred to the department of justice under this act remain in effect until their  
22 specified expiration date or until amended or repealed by the department of justice.  
23 All orders issued by the department of agriculture, trade and consumer protection  
24 that are in effect on the effective date of this paragraph and that are primarily related  
25 to programs or functions transferred to the department of justice under this act

1 remain in effect until their specified expiration date or until modified or rescinded  
2 by the department of justice.

3 (h) *Decrease in positions.* The authorized FTE positions for the department of  
4 agriculture, trade and consumer protection, funded from the appropriation under  
5 section 20.115 (8) (jm), 1999 stats., are decreased by 5.5 PR positions.

6 **\*-4597/P2.9105\* SECTION 9105. Nonstatutory provisions; arts board.**

7 (1c) MILWAUKEE ART MUSEUM. The arts board shall spend the amount in the  
8 appropriation account under section 20.215 (1) (cm) of the statutes, as created by this  
9 act, for the Leonardo da Vinci and the Splendor of Poland art exhibitions at the  
10 Milwaukee Art Museum.

11 **\*-4510/5.9107\* SECTION 9107. Nonstatutory provisions; building**  
12 **commission.**

13 (1) PROCEEDS FROM THE SALE OF CERTAIN STATE OFFICE BUILDINGS.

14 (a) Notwithstanding section 13.48 (14) (c) of the statutes, if the building  
15 commission sells any or all of the state office buildings located at 123 West  
16 Washington Avenue, 121 East Wilson Street, and 149 East Wilson Street in the city  
17 of Madison, the commission shall deposit any net proceeds from the sale, after  
18 depositing any amount required to be deposited into the bond security and  
19 redemption fund, into the general fund.

20 (b) If the building commission sells any state office building specified in  
21 paragraph (a) during the period beginning on July 1, 2001, and ending on the day  
22 before the effective date of this paragraph, and any portion of the proceeds of that  
23 sale is transferred to the appropriation account under section 20.865 (4) (a) of the  
24 statutes, the lesser of the amount transferred or any unencumbered balance in that

1 account is transferred on the effective date of this paragraph from the appropriation  
2 account under section 20.865 (4) (a) of the statutes to the general fund.

3 (c) This subsection does not apply after June 30, 2003.

4 **\*b3042/2.4\*** (1b) SALE OR LEASE OF STATE SURPLUS PROPERTY. Notwithstanding  
5 section 13.48 (14) (am) of the statutes, the building commission shall offer for sale  
6 or lease the surplus property authorized under SECTION 9101 (9b) of this act in  
7 accordance with section 13.48 (14) (b) of the statutes. Notwithstanding section 13.48  
8 (14) (c) of the statutes, the commission shall deposit any net proceeds from sales or  
9 leases of those properties, after depositing any amount required to be deposited into  
10 the bond security and redemption fund, into the budget stabilization fund. Section  
11 13.48 (14) (d) of the statutes does not apply to that property.

12 **\*-4597/P2.9109\* SECTION 9109. Nonstatutory provisions; circuit courts.**

13 **\*b3034/1.8\*** (1z) RELATIVE PLACEMENT PERMANENCY PLANS.

14 (a) Notwithstanding sections 48.38 (3) and 938.38 (3) of the statutes, for  
15 children or juveniles who are living in the home of a relative, as defined in section  
16 48.02 (15) or 938.02 (15) of the statutes, under the supervision of an agency under  
17 section 48.64 (2) of the statutes, under a consent decree under section 48.32 or 938.32  
18 of the statutes, or under an order under section 48.355 or 938.355 of the statutes on  
19 the day before the effective date of this paragraph, the agency assigned primary  
20 responsibility for providing services to those children or juveniles shall file a  
21 permanency plan with that court with respect to not less than 33% of those children  
22 or juveniles by September 1, 2002, with respect to not less than 67% of those children  
23 or juveniles by November 1, 2002, and with respect to all of those children or  
24 juveniles by January 1, 2003, giving priority to those children or juveniles who have  
25 been living in the home of a relative for the longest period of time.

1 (b) The agency shall request the court assigned to exercise jurisdiction under  
2 chapters 48 and 938 of the statutes, as affected by this act, to make a finding under  
3 section 48.363 or 938.363 of the statutes that reasonable efforts have been made to  
4 prevent the removal of the child or juvenile from the home or that those efforts are  
5 not required to be made because a circumstance specified in section 48.355 (2d) (b)  
6 1. to 5. of the statutes, as affected by this act, or section 938.355 (2d) (b) 1. to 4. of the  
7 statutes, as affected by this act, applies, not more than 60 days after the date on  
8 which the permanency plan is filed.

9 (c) Notwithstanding section 48.38 (5) (a) of the statutes, as affected by this act,  
10 section 48.38 (5m) of the statutes, as created by this act, section 938.38 (5) (a) of the  
11 statutes, as affected by this act, and section 938.38 (5m) of the statutes, as created  
12 by this act, a permanency plan filed under this subsection shall be reviewed within  
13 6 months after the date on which the permanency plan is filed and a permanency  
14 plan hearing shall be had to review a permanency plan filed under this subsection  
15 within 12 months after the date on which the permanency plan is filed.

16 **\*-4597/P2.9110\* SECTION 9110. Nonstatutory provisions; commerce.**

17 **\*b3045/1.4\*** (1c) GRANT TO FORWARD WISCONSIN, INC., FOR STUDY AND PROPOSAL  
18 ON BRAND IMAGE. From the appropriation under section 20.143 (1) (bp) of the statutes,  
19 as created by this act, the department of commerce shall provide a grant of \$50,000  
20 in fiscal year 2002–03 to Forward Wisconsin, Inc., to contract for a study and the  
21 creation of a proposal for a national brand image for the state related to technology  
22 and biotechnology. The department of commerce shall enter into an agreement with  
23 Forward Wisconsin, Inc., that specifies the uses for the grant proceeds under this  
24 subsection and reporting and auditing requirements. No later than December 31,  
25 2003, the department of commerce shall submit to the appropriate standing

1 committees of the legislature in the manner provided under section 13.172 (3) of the  
2 statutes a report that includes the results of the study and the conclusions and  
3 recommendations of Forward Wisconsin, Inc., with respect to a proposal for a  
4 national brand image for the state.

5 **\*b2392/1.1\*** (1v) PROPOSAL FOR RURAL FINANCE AUTHORITY. The department of  
6 commerce shall work with the department of administration, the department of  
7 agriculture, trade and consumer protection, and the Wisconsin Housing and  
8 Economic Development Authority to develop a proposal, to be included in the  
9 department of commerce's budget request that is submitted to the department of  
10 administration, for the 2003–05 biennium for the creation of a rural finance  
11 authority. In developing the proposal, the departments and the authority shall do  
12 all of the following:

13 (a) Consider proposing that the rural finance authority be created to offer  
14 low-interest loans to agricultural producers in this state.

15 (b) Include a governing board to head the authority and consider the feasibility  
16 of an 11-member board consisting of 3 agricultural producers; 3 commercial bankers;  
17 2 other members appointed by the governor; the secretary of commerce and the  
18 secretary of agriculture, trade and consumer protection or their designees; and the  
19 executive director of the Wisconsin Housing and Economic Development Authority  
20 or his or her designee.

21 (c) Consider including programs such as farm purchase assistance loans,  
22 including seller assisted loans; beginning farmer loans for the purchase of animals,  
23 machinery, and real estate; an agricultural improvement program to finance  
24 physical improvements of farm operations; a livestock modernization program; and

1 a program to finance purchases by agricultural producers of stock in cooperatives  
2 that engage in agricultural processing.

3 (d) Consider transferring agricultural programs administered by the  
4 Wisconsin Housing and Economic Development Authority to the rural finance  
5 authority.

6 **\*b3093/1.3\*** (1z) DIVISION OF INTERNATIONAL AND EXPORT SERVICES. The  
7 authorized FTE positions for the department of commerce are increased by 2.5 PR  
8 positions on July 1, 2002, or on the day after publication, whichever is later, to be  
9 funded from the appropriation under section 20.143 (1) (g) of the statutes, for the  
10 division of international and export services.

11 **\*-4471/3.9111\* SECTION 9111. Nonstatutory provisions; corrections.**

12 **\*-4638/1.9111\*** (2) EMERGENCY RULES REGARDING FEES FROM PERSONS ON  
13 PROBATION, PAROLE, OR EXTENDED SUPERVISION. Using the procedure under section  
14 227.24 of the statutes, the department of corrections shall promulgate the rules that  
15 are required under section 304.074 (5) of the statutes and that set rates under section  
16 304.074 (2) of the statutes. The rules shall take effect on July 1, 2002, but may not  
17 remain effective for longer than the period authorized under section 227.24 (1) (c)  
18 and (2) of the statutes. Notwithstanding section 304.074 (2) of the statutes, the rules  
19 shall require the department to have a goal of receiving at least \$2 per day, if  
20 appropriate, from each person who is on probation, parole, or extended supervision  
21 and who is not under administrative supervision, as defined in section 304.74 (1) (a)  
22 of the statutes, or minimum supervision, as defined in section 304.74 (1) (b) of the  
23 statutes. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the  
24 department is not required to provide evidence that promulgating a rule under this  
25 subsection as an emergency rule is necessary for the preservation of the public peace,

1 health, safety, or welfare and is not required to provide a finding of emergency for a  
2 rule promulgated under this subsection.

3 \*~~4639/2.9111~~\* (3) EMERGENCY RULES REGARDING PRISONER COPAYMENTS FOR  
4 MEDICAL AND DENTAL CARE. Using the procedure under section 227.24 of the statutes,  
5 the department of corrections shall promulgate the rules that are required under  
6 section 302.386 (4) (a) of the statutes relating to the deductible, coinsurance,  
7 copayment, or similar charge that must be imposed under section 302.386 (3) (b) of  
8 the statutes. The rules shall take effect on July 1, 2002, but may not remain effective  
9 for longer than the period authorized under section 227.24 (1) (c) and (2) of the  
10 statutes. Notwithstanding section 302.386 (3) (b) of the statutes, the rules shall  
11 require the department to require that, subject to the exception and waiver  
12 provisions under section 302.386 (3) (c) of the statutes, each person to whom section  
13 302.386 (1) of the statutes applies pay a deductible, coinsurance, copayment, or  
14 similar charge of at least \$7.50 for each request that the person makes for medical  
15 or dental services. Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the  
16 statutes, the department is not required to provide evidence that promulgating a rule  
17 under this subsection as an emergency rule is necessary for the preservation of the  
18 public peace, health, safety, or welfare and is not required to provide a finding of  
19 emergency for a rule promulgated under this subsection.

20 \*b2301/2.1\* (4q) SUPERMAX CONVERSION. The department of corrections, in  
21 cooperation with the department of administration, shall conduct a study of the  
22 conversion of the correctional institution established under section 301.16 (1n) of the  
23 statutes from a supermax-level security institution to an institution with  
24 supermax-level security beds and maximum security beds. The study shall include  
25 a discussion of the operational costs for the redesigned institution. The department

1 of corrections shall report its findings, conclusions, and recommendations to the  
2 building commission for potential inclusion in the commission's biennial budget  
3 recommendations under section 13.48 (7) of the statutes for 2003.

4 **\*-4597/P2.9115\* SECTION 9115. Nonstatutory provisions; elections**  
5 **board.**

6 **\*b3118/2.11\* (2v) WISCONSIN ELECTION CAMPAIGN FUND BALANCE TRANSFER.** The  
7 balances in all accounts within the Wisconsin election campaign fund on the effective  
8 date of this subsection are credited to the general account of the Wisconsin election  
9 campaign fund established under section 11.50 (2w) of the statutes, as created by this  
10 act.

11 **\*b3118/2.11\* (2w) RULES FOR PUBLIC ACCESS CHANNELS AND PUBLIC TELEVISION**  
12 **STATIONS.**

13 (a) Using the procedure under section 227.24 of the statutes, the elections  
14 board may promulgate the rules required under section 11.21 (17) of the statutes, as  
15 created by this act, for the period before the effective date of the permanent rules, but  
16 not to exceed the period authorized under section 227.24 (1) (c) and (2) of the statutes.  
17 Notwithstanding section 227.24 (1) (a), (2) (b), and (3) of the statutes, the elections  
18 board is not required to provide evidence that promulgating rules under this  
19 paragraph as emergency rules is necessary for the preservation of the public peace,  
20 health, safety, or welfare and is not required to provide a finding of emergency for any  
21 rule promulgated under this paragraph.

22 (b) The elections board shall submit in proposed form the rules required under  
23 section 11.21 (17) of the statutes, as created by this act, to the legislative council staff  
24 under section 227.15 (1) of the statutes no later than the first day of the 10th month  
25 beginning after the effective date of this paragraph.

1           **\*b3118/2.11\*** (2x) STATEWIDE VOTER REGISTRATION LIST.

2           (a) Notwithstanding section 16.42 (1) of the statutes, the elections board shall  
3 submit as a part of its budget request for the 2003–05 fiscal biennium under section  
4 16.42 of the statutes a proposal to finance the creation of a statewide, centralized  
5 voter registration list system, together with proposed legislation required to initially  
6 implement the system for the 2004 September primary election. In developing the  
7 system, the elections board shall consider at least each of the following issues:

8           1. How the list should be created and maintained.

9           2. The fiscal impact upon the state and local governments of maintaining the  
10 list.

11           3. How accuracy of the list should be ensured.

12           4. Whether, to use the list, an electronic connection would need to be  
13 established between each polling place in the state and the board and how such a  
14 connection would be established and maintained.

15           5. How registrations on election day would be integrated into the list.

16           6. How procedures for corroboration of the identities of electors would be  
17 affected by maintenance of the list.

18           7. How absentee balloting would be affected by the creation of the list.

19           8. The impact of maintenance of the list upon transient populations, such as  
20 college students.

21           9. How the list could be accurately purged of the names of convicted felons who  
22 are ineligible to vote while ensuring that no eligible electors are disenfranchised.

23           10. How the list should be purged of the names of ineligible or inactive electors  
24 while ensuring that no eligible electors are disenfranchised.

1           11. Whether the list should be publicly maintained or a private entity should  
2 be retained to maintain the list.

3           12. If a private entity were retained to maintain the list, the standards to which  
4 the entity should be held to account.

5           13. Whether and how provisional voting of challenged electors could be  
6 facilitated after the list is established.

7           (b) The elections board shall study and prepare specific recommendations for  
8 implementing the proposal submitted under paragraph (c) for creation of a statewide  
9 voter registration list system. In conducting its study, the board shall address each  
10 of the issues specified in paragraph (a). The board shall submit the results of its study  
11 and recommendations to the legislature in the manner provided in section 13.172 (2)  
12 of the statutes no later than the first day of the 10th month beginning after the  
13 effective date of this paragraph.

14           **\*b3118/2.11\* (2y) NONSEVERABILITY.**

15           (a) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
16 all or any portion of sections 11.01 (17g) and (17r) and 11.21 (17) of the statutes, as  
17 created by this act, or SECTION 9115 (2w) of this act are unconstitutional, then  
18 sections 11.01 (17g) and (17r) and 11.21 (17) of the statutes, as created by this act,  
19 and SECTION 9115 (2w) of this act are void in their entirety.

20           (b) Notwithstanding section 990.001 (11) of the statutes, if a court finds that  
21 any part of the repeal of sections 11.01 (12s), 11.05 (3) (o), 11.265, 11.50 (3), and 11.50  
22 (10) of the statutes, the renumbering of sections 11.05 (2r) (title), 11.24 (2), and 11.50  
23 (1) (a) 1. of the statutes, the renumbering and amendment of sections 11.05 (1), 11.05  
24 (2), 11.05 (2r), 11.12 (6), 11.26 (9) (a), 11.31 (2m), 11.50 (1) (a) 2., 11.50 (5), 11.50 (9),  
25 19.49 (5), 19.59 (7), and 71.10 (3) (a) of the statutes, the amendment of sections 5.02

1 (13), 5.05 (2), 7.08 (2) (c), 7.08 (2) (cm), 8.30 (2), 8.35 (4) (a) 1. a. and b., 8.35 (4) (c)  
2 and (d), 11.05 (3) (c), 11.05 (5), 11.05 (9) (b), 11.05 (12) (b), 11.05 (13), 11.06 (1) (intro.),  
3 11.06 (1) (e), 11.06 (2), 11.06 (3) (b) (intro.), 11.06 (4) (b), 11.06 (5), 11.06 (7m) (a), 11.06  
4 (7m) (b), 11.06 (7m) (c), 11.07 (1), 11.07 (5), 11.09 (3), 11.10 (1), 11.12 (2), 11.12 (4),  
5 11.12 (5), 11.14 (3), 11.16 (2), 11.16 (5), 11.19 (title), 11.19 (1), 11.20 (1), 11.20 (2), 11.20  
6 (3) (a) and (b), 11.20 (7), 11.20 (8) (intro.), 11.20 (8) (a), 11.20 (9), 11.20 (10) (a), 11.20  
7 (12), 11.21 (2), 11.21 (15), 11.21 (16), 11.22 (3), 11.23 (1), 11.23 (2), 11.26 (1) (intro.),  
8 11.26 (2) (intro.), 11.26 (2) (a), 11.26 (3), 11.26 (4), 11.26 (5), 11.26 (6), 11.26 (8), 11.26  
9 (9) (b), 11.26 (10), 11.26 (15), 11.26 (17) (a), 11.31 (1) (intro.), 11.31 (1) (a) to (d), 11.31  
10 (1) (e) and (f), 11.31 (2), 11.31 (2m) (title), 11.31 (3), 11.38 (1) (a) 2., 11.38 (6), 11.38  
11 (8) (b), 11.50 (2) (a), 11.50 (2) (b) 3. and 4., 11.50 (2) (b) 5., 11.50 (2) (c), 11.50 (2) (f),  
12 11.50 (2) (g), 11.50 (2) (h), 11.50 (2) (i), 11.50 (6), 11.50 (7) (intro.), 11.50 (8), 11.50  
13 (10m), 11.50 (11) (e), 11.60 (4), 11.61 (1) (a) (by SECTION 2d), 19.53 (6), 19.59 (8) (c),  
14 20.510 (1) (q), 25.42, 71.08 (1) (intro.), and 71.10 (3) (b) of the statutes, the repeal and  
15 recreation of sections 11.05 (9) (title) and 11.50 (4) of the statutes, the creation of  
16 sections 11.001 (2m), 11.01 (4m), 11.01 (12w), (13) and (14), 11.01 (16) (a) 3., 11.05 (1)  
17 (b), 11.05 (2) (b), 11.05 (3) (m), 11.05 (3) (r), 11.06 (1) (cm) and (dm), 11.06 (2m) (b) to  
18 (d), 11.06 (11) (bm), 11.12 (6) (am), 11.12 (6) (c) and (d), 11.12 (8) and (9), 11.20 (2s),  
19 11.20 (2t), 11.20 (8) (am), 11.24 (1w), 11.24 (4), 11.26 (1m), 11.26 (1t), 11.26 (2) (ae),  
20 (am), (as) and (av), 11.26 (2m), 11.26 (2t), 11.26 (8n), 11.26 (8r), 11.26 (9) (a) 1. to 4.,  
21 11.26 (9) (am), 11.26 (9m), 11.26 (10a), 11.31 (1) (de), 11.31 (2m) (a), 11.31 (3p), 11.31  
22 (9), 11.385, 11.50 (1) (a) 1. (intro.), 11.50 (1) (a) 2m., 11.50 (1) (am), 11.50 (1) (bm) and  
23 (cm), 11.50 (2) (b) 6., 11.50 (2) (j), 11.50 (2m), 11.50 (2s), 11.50 (2w), 11.50 (9) (b), 11.50  
24 (14), 11.60 (3r), 19.42 (3m), (4g) and (4r), 19.45 (13), 19.49 (1m), 19.49 (5) (b), 19.535,  
25 19.59 (1) (br), 19.59 (7) (b), 19.59 (8) (cm) and (cn), 71.07 (6s), 71.10 (3) (ac), 71.10 (3)

1 (d), 71.10 (4) (gw), and 806.04 (11m) of the statutes or SECTIONS 9115 (2v), (2x), and  
2 (2y), 9132 (4v), 9215 (3v), 9244 (6v), 9315 (2v) and (2w), and 9344 (2v) of this act is  
3 unconstitutional, the treatment of those provisions by this act is void.

4 **\*-4597/P2.9116\* SECTION 9116. Nonstatutory provisions; employee**  
5 **trust funds.**

6 **\*b3053/3.5\* (1v) HIRING FREEZE EXEMPTION.** Notwithstanding any action of the  
7 governor or the secretary of administration under section 16.505 (3) of the statutes  
8 before the effective date of this subsection, the department of employee trust funds  
9 may fill 3.5 FTE GPR positions that are vacant on the effective date of this  
10 subsection, that are authorized to the department under section 16.505 of the  
11 statutes, and that are funded from the appropriation under section 20.512 (2) (a) of  
12 the statutes.

13 **\*-4678/2.9123\* SECTION 9123. Nonstatutory provisions; health and**  
14 **family services.**

15 **\*b3086/2.1\* (1x) UNDERAGE TOBACCO ENFORCEMENT.** The department of health  
16 and family services shall identify \$3,012,200 in appropriated moneys in the  
17 appropriation accounts of that department, other than sum sufficient appropriation  
18 accounts, to fund activities conducted under section 254.916 of the statutes to  
19 achieve compliance with the requirements under 42 USC 300x-26 (a) and (b) that  
20 the state enact and enforce a law prohibiting the sale or distribution of tobacco  
21 products to persons under 18 years of age and with the certification required under  
22 P.L. 107-116, section 214, that the state commit additional state funds to enforce that  
23 law. In identifying appropriated moneys to fund activities conducted under section  
24 254.916 of the statutes as described in this subsection, the department may not  
25 identify any appropriated moneys to fund those activities if funding those activities

1 would change legislative intent with respect to the program funded by those  
2 appropriated moneys. By September 30, 2002, the department shall submit a plan  
3 to the joint committee on finance for funding the activities described in this  
4 subsection and a report on the status of the negotiations that the department is  
5 conducting with the federal department of health and human services relating to the  
6 certification required under P. L. 107–116, section 214.

7 **\*b3058/1.3\*** (1z) RURAL HEALTH DENTAL CLINICS.

8 (a) Notwithstanding the amounts specified for expenditure in state fiscal year  
9 2001–02 under section 146.65 (1) (a) and (b) of the statutes, the department of health  
10 and family services shall, in state fiscal year 2002–03, distribute moneys under  
11 section 146.65 (1) (a) of the statutes that were unexpended under that paragraph on  
12 July 1, 2002, and distribute moneys under section 146.65 (1) (b) of the statutes that  
13 were unexpended under that paragraph on July 1, 2002.

14 (b) Notwithstanding section 16.42 of the statutes, in submitting information  
15 under section 16.42 of the statutes for purposes of the 2003–2005 biennial budget  
16 bill, the department of health and family services shall submit information  
17 concerning the appropriation under section 20.435 (5) (dm) of the statutes as though  
18 the increase in the dollar amount of that appropriation by SECTION 9329 (18z) of this  
19 act had not been made.

20 **\*b2267/4.1\*** (2g) BIOTERRORISM RESPONSE AND PREPAREDNESS.

21 (a) In this subsection:

- 22 1. “Emergency medical technician” has the meaning given in section 146.50 (1)  
23 (e) of the statutes.
- 24 2. “Fire fighter” has the meaning given in section 38.24 (5) (a) 1m. of the  
25 statutes.

1           3. “First responder” has the meaning given in section 146.50 (1) (hm) of the  
2 statutes.

3           4. “Law enforcement officer” has the meaning given in section 165.85 (2) (c) of  
4 the statutes.

5           **\*b2267/4.1\*** (b) By April 15, 2002, before submitting a plan for expenditure of  
6 federal funds for bioterrorism response and preparedness for which Wisconsin is  
7 eligible under Public Law 107–117, to the federal department of health and human  
8 services, the department of health and family services shall submit the plan to the  
9 joint committee on finance for review and approval.

10           (c) The plan specified under paragraph (b) shall include, to the extent permitted  
11 under Public Law 107–117, all of the following:

12           1. A proposal to allocate up to \$3,600,000 of Wisconsin’s total allocation to fund  
13 all of the following:

14           a. Communications equipment.

15           b. Safety or protective equipment for law enforcement officers, fire fighters,  
16 emergency medical technicians, first responders, or local emergency response team  
17 members under section 166.22 of the statutes, who respond to emergencies.

18           c. Training related to investigation of, prevention of, or response to acts of  
19 terrorism that pose a threat to the environment.

20           d. Information systems, software, or computer equipment for investigating acts  
21 of terrorism that pose a threat to the environment.

22           e. Training for specific special events where heightened security risks exist.

23           f. Regional emergency response teams under section 166.215 (1) of the statutes  
24 or their expansion.

1 g. Volunteer emergency medical service entities under section 146.50 of the  
2 statutes, as affected by this act, that are short of staff or are in need of additional  
3 training.

4 2. A proposal to fund all of the following:

5 a. An increase of 2.5 FED positions in the department of health and family  
6 services to perform surveillance of and respond to communicable and infectious  
7 diseases and biological and chemical potential threats to the state.

8 b. The statewide trauma care system under section 146.56 of the statutes, as  
9 affected by this act.

10 c. An increase of 1.0 FED microbiologist position for the state laboratory of  
11 hygiene and all bioterrorism-related laboratory expenses.

12 **\*b2388/1.2\*** (2v) DISEASE MANAGEMENT.

13 (a) In this subsection, “disease management” has the meaning given in section  
14 49.45 (50) (a) of the statutes, as created by this act.

15 (b) By January 1, 2003, the department of health and family services shall  
16 invite proposals, under the department’s request-for-proposals procedures, from  
17 entities to engage in activities of disease management on behalf of recipients of  
18 medical assistance.

19 **\*b2863/1.7\*** (2w) MEDICAL ASSISTANCE PROVIDER FRAUD AND ABUSE; RULES. The  
20 department of health and family services shall submit in proposed form the rules  
21 required under section 49.45 (2) (a) 9. of the statutes, as affected by this act, to the  
22 legislative council staff under section 227.15 (1) of the statutes no later than the first  
23 day of the 7th month beginning after the effective date of this subsection.

24 **\*b2391/1.14\*** (2zw) EXCEPTIONS TO COMPULSORY VACCINATION; RULES.

1 (a) The department of health and family services shall submit in proposed form  
2 the rules required under section 252.041 (2) of the statutes, as created by this act,  
3 to the legislative council staff under section 227.15 (1) of the statutes no later than  
4 the first day of the 6th month beginning after the effective date of this subsection.

5 (b) Using the procedure under section 227.24 of the statutes, the department  
6 of health and family services may promulgate rules required under section 252.041  
7 (2) of the statutes, as created by this act, for the period before the effective date of the  
8 rules submitted under paragraph (a), but not to exceed the period authorized under  
9 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),  
10 (2) (b), and (3) of the statutes, the department of health and family services is not  
11 required to provide evidence that promulgating a rule under this paragraph as an  
12 emergency rule is necessary for the preservation of the public peace, health, safety,  
13 or welfare and is not required to provide a finding of emergency for a rule  
14 promulgated under this paragraph.

15 **\*b2391/1.14\*** (2zx) MEDICAL CONDITIONS FOR WHICH PHARMACEUTICAL DRUGS ARE  
16 DISPENSED OR SOLD; RULES.

17 (a) The department of health and family services shall submit in proposed form  
18 the rules required under section 252.02 (7) of the statutes, as created by this act, to  
19 the legislative council staff under section 227.15 (1) of the statutes no later than the  
20 first day of the 6th month beginning after the effective date of this subsection.

21 (b) Using the procedure under section 227.24 of the statutes, the department  
22 of health and family services may promulgate rules required under section 252.02  
23 (7) of the statutes, as created by this act, for the period before the effective date of the  
24 rules submitted under paragraph (a), but not to exceed the period authorized under  
25 section 227.24 (1) (c) and (2) of the statutes. Notwithstanding section 227.24 (1) (a),

1 (2) (b) and (3) of the statutes, the department of health and family services is not  
2 required to provide evidence that promulgating a rule under this paragraph as an  
3 emergency rule is necessary for the preservation of the public peace, health, safety,  
4 or welfare and is not required to provide a finding of emergency for a rule  
5 promulgated under this paragraph.

6 **\*b2290/1.1\*** (3f) STUDY OF FEDERAL PRIMARY HEALTH CARE FUNDING.

7 (a) In this subsection, “federally qualified health center” has the meaning given  
8 in 42 USC 1396d (L) (2) (B).

9 (b) The department of health and family services shall, in consultation with the  
10 Wisconsin Primary Health Care Association, Inc., study aspects of federal primary  
11 health care funding that is available to public and private nonprofit entities under  
12 42 USC 254b. The study shall include all of the following:

13 1. A review of statutory, regulatory, and policy requirements for grantees and  
14 potential grant applicants.

15 2. Suggestions for expanding the number of federally qualified health centers  
16 in Wisconsin; the number of sites operated by entities currently funded under 42  
17 USC 254b; and other ways to increase the amount of federal funding for Wisconsin  
18 health care clinics.

19 (c) By June 30, 2002, the department of health and family services shall submit  
20 a report of the study under paragraph (b) to the legislature in the manner provided  
21 under section 13.172 (3) of the statutes and to the joint committee on finance.

22 **\*b3060/1.1\*** (3xz) STATE CENTERS TASK FORCE.

23 (a) The department of health and family services shall create a task force that  
24 shall develop a plan for the state centers for the developmentally disabled. The plan,  
25 which shall be completed by the first day of the 7th month beginning after the

1 effective date of this paragraph, shall include any recommended statutory language  
2 changes needed to implement the plan. The department shall submit this  
3 recommended statutory language to the department of administration as part of the  
4 department of health and family services' 2003–05 biennial budget request and to  
5 the legislature. The plan shall do the following:

6 1. Specify the future role of the state and the state centers for the  
7 developmentally disabled in providing services for persons with developmental  
8 disabilities.

9 2. Attempt to maximize the potential for independent living in the most  
10 appropriate setting and ensure quality care and services for each person residing in  
11 the state centers for the developmentally disabled, according to the person's wishes.

12 3. If the task force recommends closing a state center for the developmentally  
13 disabled, define and recommend changes in the role of one or more of the state centers  
14 for the developmentally disabled, including functioning other than as a state center  
15 for the developmentally disabled.

16 4. Ensure the provision of quality community-based services for persons who  
17 are able to be relocated from the state centers.

18 5. Provide for transitional employment opportunities and services for existing  
19 staff of the state centers for the developmentally disabled, in the event that one or  
20 more of the state centers close or are assigned new functions.

21 (b) The department of health and family services shall appoint the membership  
22 of the task force described in paragraph (a). The task force shall include  
23 representatives of all of the following:

24 1. The department of health and family services.

25 2. The department of veterans affairs.

1           3. The department of corrections.

2           4. The governor's office.

3           5. The American Federation of State, County and Municipal Employees union,  
4 the Service Employees International union, District 1199, and other labor unions.

5           6. Parents or guardians of current residents of the state centers for the  
6 developmentally disabled.

7           7. Former and current residents of the state centers for the developmentally  
8 disabled.

9           8. Advocates for persons with developmental disabilities.

10          9. A member of the board of an intermediate care facility for the mentally  
11 retarded.

12          10. Organizations that provide services to persons with developmental  
13 disabilities in the community.

14          11. County departments that provide services to persons with developmental  
15 disabilities.

16           **\*b3077/1.3\*** (4g) FEES FOR PATIENT HEALTH CARE RECORDS; RULES.

17           (a) The department of health and family services shall submit in proposed form  
18 the rules required under section 146.83 (3m) of the statutes, as created by this act,  
19 to the legislative council staff under section 227.15 (1) of the statutes no later than  
20 the first day of the 10th month beginning after the effective date of this subsection.

21           (b) To develop the rules under paragraph (a), the secretary of health and family  
22 services shall establish an advisory committee composed of members who represent  
23 a balance of persons who maintain patient health care records and persons who  
24 request patient health care records.

25           **\*b2418/1.1\*** (4r) PROHIBITING RECOVERY OF PHARMACY OVERPAYMENTS.

1 (a) The department of health and family services may not recover any part of  
2 a payment to which all of the following apply:

3 1. The payment was made by the department between July 1, 1998, and  
4 January 29, 2001, for a prescription drug under the health insurance risk-sharing  
5 plan under chapter 149 of the statutes.

6 2. In December 2001, the department issued a notice of intent to recover all or  
7 part of the payment.

8 3. The intended recovery of all or part of the payment is based on a  
9 determination by the department that the amount paid was incorrect due to the  
10 transition of the administration of the health insurance risk-sharing plan under  
11 chapter 149 of the statutes from the office of the commissioner of insurance to the  
12 department.

13 (b) The department of health and family services shall return to any person,  
14 as defined in section 990.01 (26) of the statutes, any amount that is prohibited from  
15 recovery under this subsection that was recovered by the department before the  
16 effective date of this paragraph.

17 **\*-4597/P2.9125\* SECTION 9125. Nonstatutory provisions; historical**  
18 **society.**

19 **\*b2828/2.1\*** (1d) HISTORICAL SOCIETY. The historical society shall allocate  
20 \$100,000 in fiscal year 2001–02 and \$100,000 in fiscal year 2002–03 for the office of  
21 local history and the historical society library.

22 **\*-4597/P2.9127\* SECTION 9127. Nonstatutory provisions; insurance.**

23 **\*b3041/1.5\*** (1x) UNIFORM EMPLOYEE APPLICATION FORM RULES. The  
24 commissioner of insurance shall submit in proposed form the rules required under  
25 section 601.41 (8) (b) of the statutes, as created by this act, to the legislative council

1 staff under section 227.15 (1) of the statutes no later than the first day of the 5th  
2 month beginning after the effective date of this subsection.

3 **\*-4597/P2.9131\* SECTION 9131. Nonstatutory provisions; justice.**

4 **\*b2854/1.3\* (2x) AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM WORK STATION**  
5 **FOR CITY OF RACINE.** From the appropriation under section 20.455 (2) (cr) of the  
6 statutes, as created by this act, the department of justice shall award \$63,200 to the  
7 city of Racine police department in fiscal year 2002-03 for the purchase of an  
8 automated fingerprint identification system work station and for the installation of  
9 a Badgernet line for the work station. The city of Racine police department and the  
10 department of justice shall enter into an agreement regarding the duties and  
11 obligations of the police department and the department of justice with respect to the  
12 use of the automated fingerprint identification system work station and regarding  
13 the use of, and access to, the state automated fingerprint identification system and  
14 to other criminal record databases.

15 **\*b3052/1.19\* (2xz) INCREASE IN POSITIONS.** The authorized FTE positions for the  
16 department of justice, funded from the appropriation under section 20.455 (1) (j) of  
17 the statutes, as created by this act, are increased by 5.5 PR positions.

18 **\*-4597/P2.9132\* SECTION 9132. Nonstatutory provisions; legislature.**

19 **\*b2898/1.1\* (1c) PROGRAM EVALUATION AND MANAGEMENT AUDIT OF DEPARTMENT**  
20 **OF ADMINISTRATION.**

21 (a) The joint legislative audit committee is requested to direct the legislative  
22 audit bureau to conduct a program evaluation and management audit of the  
23 department of administration to determine whether state government could  
24 function effectively without the department. If the audit is undertaken, the bureau

1 is requested to include each of the following elements to the extent they are  
2 considered appropriate by the bureau:

3 1. A comparison of the functions and responsibilities of the department at the  
4 time that it was created and the current functions and responsibilities of the  
5 department.

6 2. A review of whether any administrative functions have been removed from  
7 the department since the time that it was created and whether the administrative  
8 functions that the department retains are significant enough to justify a separate  
9 department.

10 3. A comparison of the department's central administrative functions,  
11 efficiencies, and related budgetary impacts with the central administrative  
12 functions, efficiencies, and budgetary impacts associated with similar agencies in  
13 other states.

14 4. A comparison of the budgeted and per capita costs of the department at the  
15 time of its creation with the current budgeted and per capita costs of the department,  
16 together with the costs of any other agencies or subunits thereof to which original  
17 functions or responsibilities of the department have been transferred.

18 5. A review of the policy-making responsibilities that have been assigned to the  
19 department, including an assessment of whether such responsibilities could be more  
20 effectively administered by other state agencies.

21 6. An assessment of whether any functions or responsibilities of the  
22 department duplicate those of other state agencies and could therefore be reduced  
23 or eliminated.

24 7. A review of whether the efficiencies and cost savings intended by the  
25 legislature and governor when the department was created have been realized.

1           8. An assessment of whether there are any impediments to decentralizing those  
2 responsibilities and functions that are currently assigned to the department by  
3 assigning these functions and responsibilities to the office of the governor or to other  
4 state agencies.

5           9. A review of the costs charged by the department to other state agencies or  
6 to local governments and an assessment of whether the responsibilities and  
7 functions funded by these charges could be effectively undertaken by this state if the  
8 department did not exist.

9           (b) If the bureau undertakes the audit, the bureau is requested to submit a  
10 report of its findings and recommendations to the distributees specified in section  
11 13.94 (1) (b) of the statutes no later than the first day of the 9th month beginning after  
12 the effective date of this paragraph.

13           **\*b2973/1.1\*** (3q) **STUDY OF CERTAIN ELECTION ADMINISTRATION SERVICES.** The joint  
14 legislative council is requested to conduct a study of election administration services  
15 performed by municipalities and counties and prepare recommendations for the  
16 consolidation of those services. If the joint legislative council conducts the study and  
17 prepares the recommendations, it shall report its findings, conclusions, and  
18 recommendations, in the manner provided under section 13.172 (2) of the statutes,  
19 to the 2003 legislature when that legislature convenes.

20           **\*b3118/2.12\*** (4v) **DECLARATORY JUDGMENT.** The legislature directs the attorney  
21 general to promptly commence an action seeking a declaratory judgment that the  
22 treatment of chapter 11 of the statutes by this act, including specifically the  
23 treatment of sections 11.01 (16) (a) 3., 11.06 (2), 11.12 (6) (am) and (c), 11.24 (1w),  
24 11.26 (1) (intro.), (1m), (2) (a), (ae), (am), (as), and (av), (2m), (8), (8n), (8r), (9) (a), and  
25 (9m), 11.31 (3p), 11.50 (2s) (f) and (4) (bg) and (br), and 11.60 (3r) of the statutes are

1 constitutional. The legislature directs the attorney general to petition for leave to  
2 commence the action as an original action before the Wisconsin supreme court. If  
3 such a petition is denied, the legislature directs the attorney general to commence  
4 the action in the circuit court for Dane County. If the attorney general fails to  
5 commence an action under this subsection by the 61st day following the effective date  
6 of this subsection, the joint committee on legislative organization shall, within 30  
7 days thereafter, retain counsel for the purpose of commencing such an action.

8 **\*-4533/4.9136\* SECTION 9136. Nonstatutory provisions; military affairs.**

9 (1) YOUTH CHALLENGE PROGRAM. The authorized FTE positions for the  
10 department of military affairs are decreased by 17.2 GPR positions on July 1, 2002,  
11 and increased by 17.2 PR positions on July 1, 2002, to be funded from the  
12 appropriation under section 20.465 (4) (ka) of the statutes, as affected by this act, for  
13 the Youth Challenge program.

14 **\*-4597/P2.9137\* SECTION 9137. Nonstatutory provisions; natural**  
15 **resources.**

16 **\*b2252/2.4\*** (1q) WHEELCHAIR RECYCLING PROJECT. From the appropriation  
17 under section 20.370 (6) (bw), as created by this act, the department of natural  
18 resources shall provide funding to the Wheelchair Recycling Project, of the Madison  
19 Chapter of the National Spinal Cord Injury Association, to provide recycled  
20 wheelchairs and other medical equipment to individuals and programs in need and  
21 for costs of equipment, parts, maintenance, and distribution.

22 **\*b2531/1.4\*** (1v) COUNCIL ON FORESTRY. Notwithstanding the length of term  
23 specified in section 15.347 (19) (c) of the statutes, as created in this act, of the  
24 members first appointed to the council on forestry under section 15.347 (19) (a) 6. to  
25 19. of the statutes, as created by this act, the governor shall designate 4 members to

1 serve for terms expiring on July 1, 2005, 3 members to serve for terms expiring on  
2 July 1, 2006, 4 members to serve for terms expiring on July 1, 2007, and 3 members  
3 to serve for terms expiring on July 1, 2008.

4 \*b2291/2.4\* (1w) ANIMAL HEALTH PROTECTION. The department of natural  
5 resources and the department of agriculture, trade and consumer protection shall  
6 enter into a contract for the purpose of enhancing the protection of the health of wild  
7 and domestic animals in this state. Under the contract, the department of natural  
8 resources may provide the department of agriculture, trade and consumer protection  
9 with \$150,000 in fiscal year 2002–03 from the appropriation under section 20.370 (1)  
10 (mu) of the statutes, as affected by this act, for purposes related to animal health  
11 regulation, including improving its livestock farm location and livestock tracking  
12 databases and studying the implementation of an electronic system for certification  
13 of veterinary inspection.

14 \*b2262/2.1\* (1x) COASTER BROOK TROUT STUDY AND REINTRODUCTION.  
15 Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
16 under section 16.42 of the statutes for purposes of the 2003–2005 biennial budget  
17 bill, the department of natural resources shall submit information concerning the  
18 appropriation under section 20.370 (4) (mu) of the statutes as though the increase  
19 in the dollar amount of that appropriation by SECTION 9237 (27x) of this act had not  
20 been made.

21 \*b3063/1.5\* (2fxq) INVASIVE SPECIES COUNCIL STAGGERED TERMS.  
22 Notwithstanding the length of term specified in section 15.347 (18) (b) 7. of the  
23 statutes, as created in this act, of the members first appointed to the invasive species  
24 council under section 15.347 (18) (b) 7. of the statutes, as created by this act, the  
25 governor shall designate 2 members to serve for terms expiring on July 1, 2007, 2

1 members to serve for terms expiring on July 1, 2008, and 3 members to serve for  
2 terms expiring on July 1, 2009.

3 **\*b3064/2.1\* (2x) RECREATIONAL BOATING AIDS, FISH, MUD, AND CRYSTAL LAKES.**

4 (a) From the appropriation under section 20.370 (5) (cq) of the statutes, and  
5 before applying the percentages under section 30.92 (4) (b) 6. of the statutes, the  
6 department of natural resources in fiscal year 2002–03 shall provide financial aid to  
7 Dane County for water–quality and lake–level improvements for Fish Lake and Mud  
8 Lake located in Dane County and for Crystal Lake located in both Dane County and  
9 Columbia County. The amount provided to Dane County under this paragraph shall  
10 equal the total amount contributed by local entities for the improvements or  
11 \$200,000, whichever is less. Notwithstanding section 30.92 (4) (b) 7. of the statutes,  
12 the improvements specified under this paragraph qualify as a recreational boating  
13 project for the purpose of providing moneys under this paragraph. This  
14 improvement project need not be placed on the priority list under section 30.92 (3)  
15 (a) of the statutes.

16 (b) Contributions by local entities under paragraph (a) may be made by Dane  
17 County, Columbia County, the town of Roxbury in Dane County, the town of West  
18 Point in Columbia County, any public inland lake protection and rehabilitation  
19 district organized for Fish, Mud, and Crystal lakes, any other local governmental  
20 unit, as defined in section 66.0131 (1) (a) of the statutes, that seeks contributions for  
21 the improvements specified under paragraph (a), and any other organization that  
22 seeks such contributions.

23 **\*–4597/P2.9139\* SECTION 9139. Nonstatutory provisions; public**  
24 **defender board.**

1           **\*b2259/1.22\*** (1z) **HIRING FREEZE EXEMPTION.** Notwithstanding any action of the  
2 governor or the secretary of administration under section 16.505 (3) of the statutes  
3 during the 2001–03 fiscal biennium, the public defender board may fill any vacant  
4 position for trial or appellate representation that is authorized to the board under  
5 section 16.505 of the statutes during the 2001–03 fiscal biennium and for which  
6 funds have been appropriated.

7           **\*-4490/6.9140\***   **SECTION 9140. Nonstatutory provisions; public**  
8 **instruction.**

9           **\*b3038/1.2\*** (2x) **HOME INSTRUCTION PROGRAM FOR PRESCHOOL YOUNGSTERS.** To  
10 the extent permitted under federal law, in the 2002–03 fiscal year, the department  
11 of public instruction shall award a subgrant under 20 USC 6368 or other applicable  
12 federal programs of at least \$250,000 to the home instruction program for preschool  
13 youngsters from the appropriation under section 20.255 (3) (ms) of the statutes.

14           **\*b3033/2.16\*** (3q) **TRANSFER OF DUTIES FROM THE TECHNOLOGY FOR EDUCATIONAL**  
15 **ACHIEVEMENT IN WISCONSIN BOARD.**

16           (a) *Assets and liabilities.* On the effective date of this paragraph, the assets and  
17 liabilities of the department of administration primarily related to the functions of  
18 the technology for educational achievement in Wisconsin board, as determined by  
19 the secretary of administration, shall become the assets and liabilities of the  
20 department of public instruction.

21           (b) *Position and employee transfers.* All positions authorized for the technology  
22 for educational achievement in Wisconsin board on the day before the effective date  
23 of this paragraph, except for the position of executive director, are, on the effective  
24 date of this paragraph, transferred to the department of public instruction, and the

1 incumbent employees in those positions are transferred on the effective date of this  
2 paragraph to the department of public instruction.

3 (c) *Employee status.* Employees transferred under paragraph (b) have all the  
4 rights and the same status under subchapter V of chapter 111 and chapter 230 of the  
5 statutes in the department of public instruction that they enjoyed in the technology  
6 for educational achievement in Wisconsin board immediately before the transfer.  
7 Notwithstanding section 230.28 (4) of the statutes, no transferred employee who has  
8 attained permanent status in class is required to serve a probationary period.

9 (cm) *Tangible personal property.* On the effective date of this paragraph, all  
10 tangible personal property, including records, of the department of administration  
11 that is primarily related to the functions of the technology for educational  
12 achievement in Wisconsin board, as determined by the secretary of administration,  
13 is transferred to the department of public instruction.

14 (d) *Contracts.* 1. All contracts entered into by the technology for educational  
15 achievement in Wisconsin board in effect on the effective date of this paragraph  
16 remain in effect and are transferred to the department of public instruction. The  
17 department of public instruction shall carry out any obligations under a transferred  
18 contract until the department of public instruction modifies or rescinds the contract.

19 2. All contracts entered into by the department of administration in effect on  
20 the effective date of this paragraph that are primarily related to the functions of the  
21 technology for educational achievement in Wisconsin board, as determined by the  
22 secretary of administration, remain in effect and are transferred to the department  
23 of public instruction. The department of public instruction shall carry out any  
24 obligations under a transferred contract until the department of public instruction  
25 modifies or rescinds the contract.

1           (e) *Rules and orders.* All rules promulgated by the technology for educational  
2 achievement in Wisconsin board that are in effect on the effective date of this  
3 paragraph remain in effect until their specified expiration date or until the  
4 department of public instruction amends or repeals them. All orders issued by the  
5 technology for educational achievement in Wisconsin board that are in effect on the  
6 effective date of this paragraph remain in effect until their specified expiration date  
7 or until the department of public instruction modifies or rescinds them.

8           (f) *Pending matters.* Any matter pending with the technology for educational  
9 achievement in Wisconsin board on the effective date of this paragraph is transferred  
10 to the department of public instruction, and all materials submitted to or actions  
11 taken by the technology for educational achievement in Wisconsin board concerning  
12 the pending matter are considered to have been submitted to or taken by the  
13 department of public instruction.

14           \***-4597/P2.9141\*** **SECTION 9141. Nonstatutory provisions; public lands,**  
15 **board of commissioners of.**

16           **\*b2264/2.2\*** (2f) ESTABLISHMENT OF LOAN PROGRAM.

17           (a) In this subsection:

- 18           1. "Board" means the board of commissioners of public lands.
- 19           2. "Federal discretionary grant" has the meaning given by the board.
- 20           3. "Municipality" has the meaning given in section 24.60 (2) of the statutes.
- 21           4. "State discretionary grant" has the meaning given by the board.

22           (b) No later than 90 days after the effective date of this paragraph, the board  
23 shall establish a loan program to provide matching funds to a municipality for any  
24 state or federal discretionary grant that requires the municipality to provide  
25 matching funds as a condition of receiving the grant. The only municipalities that

1 may participate in the loan program are municipalities eligible to receive such a loan  
2 under section 24.61 (3) of the statutes. No loan may be made under the loan program  
3 for any term exceeding 5 years and no loan may be extended for any period of time.

4 (c) No later than 30 days after establishing the loan program, but before  
5 implementing the loan program, the board shall submit a report to the governor, the  
6 secretary of administration, and the joint committee on finance on the proposed  
7 structure and operation of the loan program.

8 **\*-4597/P2.9142\* SECTION 9142. Nonstatutory provisions; public service**  
9 **commission.**

10 **\*b2960/1.1\* (1v) ENERGY CONSERVATION.**

11 (a) In this subsection:

- 12 1. "Commission" means the public service commission.  
13 2. "Utility" has the meaning given in section 196.374 (1) (c) of the statutes.

14 (b) Notwithstanding the requirement under section 196.374 (3) of the statutes  
15 for a utility to make specified contributions to the commission in a fiscal year of the  
16 amounts determined by the commission under section 196.374 (2) of the statutes, the  
17 commission may allow a utility to retain, until December 31, 2004, a portion of the  
18 amounts determined by the commission under section 196.374 (2) (b), (c), and (d) of  
19 the statutes, instead of contributing the portion to the commission, if the commission  
20 determines that the portion is attributable to energy conservation programs for  
21 industrial, commercial, and agricultural customers in the utility's service area. If the  
22 commission allows a utility to retain a portion under this paragraph, the utility must  
23 contribute 1.75% of the portion to the commission for research and development for  
24 energy conservation and efficiency and must contribute 4.5% of the portion to the  
25 commission for renewable resource programs.

1           **\*b2955/1.1\*** (1x) **HIRING FREEZE EXEMPTION.** Notwithstanding any action of the  
2 governor or the secretary of administration under section 16.505 (3) of the statutes  
3 before the effective date of this subsection, the public service commission may fill 3.0  
4 FTE PR positions that are vacant on the effective date of this subsection, that are  
5 related to the performance of environmental analyses and engineering reviews, that  
6 are authorized to the commission under section 16.505 of the statutes, and that are  
7 funded from the appropriation under section 20.155 (1) (g) of the statutes. If the  
8 public service commission does not fill the positions by the first day of the 6th month  
9 beginning after the effective date of this subsection, the commission shall, no later  
10 than the first day of the 7th month beginning after the effective date of this  
11 subsection, submit a report to the joint committee on finance of the legislature that  
12 explains the reasons for not filling the positions.

13           **\*-4575/3.9144\* SECTION 9144. Nonstatutory provisions; revenue.**

14           (1) **ADOPTION OF FEDERAL INCOME TAX LAW CHANGES.** Changes to the Internal  
15 Revenue Code made by P.L. 106–554, excluding sections 162 and 165 of P.L. 106–554,  
16 apply to the definitions of the “Internal Revenue Code” in chapter 71 of the statutes  
17 at the time that those changes apply for federal income tax purposes.

18           **\*b3069/3.3\*** (1m) **PENALTY FOR CONVERTING AGRICULTURAL LAND.**  
19 Notwithstanding section 70.32 (2s) (c) of the statutes, as created by this act, and  
20 section 74.485 of the statutes, as created by this act, land assessed as agricultural  
21 land for the property tax assessments as of January 1, 2002, that may no longer be  
22 assessed as agricultural land for the property tax assessments as of January 1, 2003,  
23 because the land is not used as a farm, as defined under section 70.32 (2s) (a) 2. of  
24 the statutes, is not subject to the penalty under section 74.485 of the statutes with  
25 regard to the property tax assessments as of January 1, 2002, and January 1, 2003.

1           **\*b3048/1.1\*** (1vv) ALCOHOL AND TOBACCO ENFORCEMENT AGENTS. The  
2 department of revenue shall retain 13 agents in the department's alcohol and tobacco  
3 enforcement section at least until July 1, 2003.

4           **\*b3048/1.1\*** (1vw) LARGE-CASE FIELD AUDITORS. The department of revenue  
5 shall retain 10 large-case field auditors in New York at least until July 1, 2003.

6           **\*-4597/P2.9151\* SECTION 9151. Nonstatutory provisions; tourism.**

7           **\*b2294/1.1\*** (1x) HERITAGE TOURISM PROGRAM COORDINATOR. The authorized  
8 FTE positions for the department of tourism, funded from the appropriation under  
9 section 20.380 (1) (kg) of the statutes, are decreased by 1.0 PR heritage tourism  
10 program coordinator position.

11           **\*-4691/3.9152\* SECTION 9152. Nonstatutory provisions; transportation.**

12           (1) REPORT ON LAPSING MONEYS TO THE TRANSPORTATION FUND.

13           (a) During fiscal year 2001–02, the department of transportation shall submit  
14 a report to the department of administration for the lapsing of \$4,333,600 in fiscal  
15 year 2001–02 from segregated revenue appropriations to the department of  
16 transportation for state operations from the transportation fund. With respect to the  
17 proposed lapse, the report shall specify applicable appropriation accounts, the  
18 amount of the proposed lapse from each appropriation account, and anticipated  
19 actions by the department of transportation. The department of transportation shall  
20 avoid adverse impacts on activities related to highway planning and programming,  
21 design, and construction.

22           (b) No later than December 31, 2002, the department of transportation shall  
23 submit a report to the department of administration for the lapsing of \$6,190,900 in  
24 fiscal year 2002–03 from segregated revenue appropriations to the department of  
25 transportation for state operations from the transportation fund. With respect to the

1 proposed lapse, the report shall specify applicable appropriation accounts, the  
2 amount of the proposed lapse from each appropriation account, and anticipated  
3 actions by the department of transportation. The department of transportation shall  
4 avoid adverse impacts on activities related to highway planning and programming,  
5 design, and construction.

6 **\*b2824/1.1\*** (2f) IMPROVEMENTS TO USH 51 IN CITY OF MADISON.  
7 Notwithstanding section 85.07 of the statutes, during the 2001–03 fiscal biennium,  
8 the department of transportation shall expend funds not to exceed \$300,000 from  
9 federal funds available under 23 USC 152 for a highway improvement project on  
10 USH 51 at the intersection of Rieder Road in the city of Madison in Dane County, if  
11 the project is consistent with the requirements of 23 USC 152 and regulations  
12 promulgated under 23 USC 152. The project shall include reconstruction of the  
13 southbound lanes of USH 51 at Rieder Road to incorporate a divided deceleration and  
14 turn lane on USH 51 for southbound traffic turning east onto Rieder Road from USH  
15 51 and a divided acceleration lane on USH 51 for traffic traveling west on Rieder  
16 Road turning south onto USH 51. The project shall also include installation of any  
17 traffic control signals necessary to allow traffic traveling west on Rieder Road to turn  
18 onto southbound USH 51 without requiring southbound traffic on USH 51 to stop.

19 **\*b3103/1.4\*** (4q) REQUEST ON SOUTHEAST WISCONSIN FREEWAY REHABILITATION.  
20 By the date specified by the cochairpersons of the joint committee on finance for the  
21 submission of requests for consideration at the next quarterly meeting of the  
22 committee occurring after the effective date of this subsection, the department of  
23 transportation shall submit a request for the transfer of moneys from the  
24 appropriations under section 20.395 (3) (cq), (cv), and (cx) of the statutes, as affected  
25 by this act, to the appropriations under section 20.395 (3) (cr), (cw), and (cy) of the

1 statutes to allocate funds for rehabilitation of the southeast Wisconsin freeways. The  
2 department's request, and the committee's action on the request, may not include  
3 funding now allocated for projects in other parts of the state or other funding that  
4 is not currently allocated to rehabilitation of southeast Wisconsin freeways.

5 **\*-4597/P2.9153\* SECTION 9153. Nonstatutory provisions; treasurer.**

6 **\*b2389/1.2\*** (1k) GRANDFATHER PROVISION; UNCLAIMED GIFT CERTIFICATES. The  
7 treatment of sections 177.01 (10) (a) 2. and 177.14 of the statutes does not apply to  
8 any property paid or delivered to the state treasurer under section 177.17 (4) (a) 2.  
9 of the statutes or section 177.19 (1), 1999 stats., before the effective date of this  
10 subsection.

11 **\*-4491/3.9156\* SECTION 9156. Nonstatutory provisions; University of**  
12 **Wisconsin System.**

13 (1) TUITION-INCREASE RESTRICTIONS. Notwithstanding section 36.27 (1) (a) and  
14 (am) 1. to 5. of the statutes, the board of regents of the University of Wisconsin  
15 System may not increase the average of academic fees charged an undergraduate  
16 student in the 2002–03 academic year compared to the average academic fees  
17 charged an undergraduate student in the 2001–02 academic year by more than 8%  
18 unless the board obtains the approval of the joint committee on finance under section  
19 13.10 of the statutes and the approval of the secretary of administration. The board  
20 of regents shall determine average academic fees under this subsection on a  
21 full-time equivalent basis. The board may not increase differential tuition under  
22 section 36.27 (1) (am) 6. of the statutes for the 2002–03 academic year to offset  
23 decreases in the appropriations under section 20.285 (1) (a) and (3) (a) of the statutes.

24 **\*b2944/3.1\*** (1q) ORDER OF STATE EMPLOYEE LAYOFFS.

1 (a) In this subsection, “state agency” has the meaning given in section 16.375  
2 (1) of the statutes, but does not include the board of regents of the University of  
3 Wisconsin System.

4 (b) If a state agency is required to lay off any of its employees as a result of any  
5 appropriation reduction required under this act, no employee of the state agency who  
6 is in the classified service of the state civil service system may be laid off until all  
7 employees of the state agency who are in the unclassified service of the state civil  
8 service system are laid off other than the chief administrative officer of the state  
9 agency.

10 **\*b3049/1.2\* (2z) COGENERATION FACILITY.**

11 (f) In this subsection:

- 12 1. “Board” means the board of regents of the University of Wisconsin System.  
13 2. “Department” means the department of administration.  
14 3. “Public utility” means the public utility that provides electric service to the  
15 University of Wisconsin–Madison or an affiliate of that public utility.

16 (g) To further the energy conservation and efficiency goals of section 1.12 (5)  
17 of the statutes and to meet the needs of the University of Wisconsin System for  
18 electric, steam, and chilled–water services in a cost–effective and technically feasible  
19 manner, the board and department shall negotiate an agreement with the public  
20 utility for the public utility to construct a centralized cogeneration facility with a  
21 nominal output of 150 megawatts at the campus of the University of  
22 Wisconsin–Madison for the purpose of providing, no later than July 1, 2004, electric,  
23 steam, and chilled–water services. This paragraph does not affect the authority of  
24 the public service commission under chapter 196 of the statutes with respect to such  
25 a facility.

1           **\*b2329/1.1\*** (3q) CHILD-PARENT CENTER DEMONSTRATION PROJECT INCREASE.  
2           Notwithstanding section 16.42 (1) (e) of the statutes, in submitting information  
3           under section 16.42 of the statutes for purposes of the 2003–05 biennial budget bill,  
4           the board of regents of the University of Wisconsin System shall submit information  
5           concerning the appropriation under section 20.285 (1) (a) of the statutes as though  
6           the increase in the dollar amount of that appropriation by SECTION 9256 (3q) of this  
7           act had not been made.

8           **\*b2375/2.1\*** (5m) CONSOLIDATION OF STATE VEHICLE FLEET MAINTENANCE  
9           OPERATIONS.

10           (a) On the effective date of this paragraph, the assets and liabilities of the board  
11           of regents of the University of Wisconsin System that are primarily related to its  
12           vehicle fleet maintenance functions at the University of Wisconsin–Madison, as  
13           determined by the secretary of administration, shall become assets and liabilities of  
14           the department of administration.

15           (b) On the effective date of this paragraph, all tangible personal property,  
16           including records, of the board of regents of the University of Wisconsin System that  
17           is primarily related to its vehicle fleet maintenance functions at the University of  
18           Wisconsin–Madison, as determined by the secretary of administration, is  
19           transferred to the department of administration.

20           (c) All contracts entered into by the board of regents of the University of  
21           Wisconsin System in effect on the effective date of this paragraph that are primarily  
22           related to its vehicle fleet maintenance functions at the University of  
23           Wisconsin–Madison, as determined by the secretary of administration, are  
24           transferred to the department of administration. The department of administration  
25           shall carry out any contractual obligations under such a contract until the contract

1 is modified or rescinded by the department of administration to the extent allowed  
2 under the contract.

3 (d) All rules promulgated by the board of regents of the University of Wisconsin  
4 System that are primarily related to its vehicle fleet maintenance functions at the  
5 University of Wisconsin–Madison, and that are in effect on the effective date of this  
6 paragraph remain in effect until their specified expiration dates or until amended  
7 or repealed by the department of administration. All orders issued by the board of  
8 regents of the University of Wisconsin System that are primarily related to its  
9 vehicle fleet maintenance functions at the University of Wisconsin–Madison, and  
10 that are in effect on the effective date of this paragraph remain in effect until their  
11 specified expiration dates or until modified or rescinded by the department of  
12 administration.

13 (e) Any matter pending with the board of regents of the University of Wisconsin  
14 System that is primarily related to its vehicle fleet maintenance functions at the  
15 University of Wisconsin–Madison on the effective date of this paragraph is  
16 transferred to the department of administration, and all materials submitted to or  
17 actions taken by the board of regents of the University of Wisconsin System with  
18 respect to the pending matter are considered as having been submitted to or taken  
19 by the department of administration.

20 (f) Notwithstanding section 16.42 of the statutes, the board of regents of the  
21 University of Wisconsin System shall submit information under section 16.42 of the  
22 statutes for purposes of the 2003–05 biennial budget bill reflecting any savings  
23 incurred by the board of regents from consolidation of vehicle fleet maintenance  
24 functions under this subsection.

1 (g) The board of regents of the University of Wisconsin System shall fully  
2 cooperate with the department of administration in implementing this subsection.

3 **\*-4542/2.9159\* SECTION 9159. Nonstatutory provisions; other.**

4 **\*b2265/3.1\* (3x) SUSPENSION OF PAYMENT OF EMPLOYER CONTRIBUTIONS FOR**  
5 **CERTAIN BENEFITS PROVIDED TO STATE EMPLOYEES.**

6 (a) The definitions in section 20.001 of the statutes are applicable in this  
7 subsection, except that “state agency” does not include the department of employee  
8 trust funds or the investment board.

9 (b) Notwithstanding any requirement under section 40.05 (4) (br) and (by) of  
10 the statutes that state agencies pay certain contributions to the department of  
11 employee trust funds relating to accumulated unused sick leave credits and  
12 supplemental health insurance premium credits, state agencies shall not pay any  
13 employer contributions under section 40.05 (4) (br) and (by) of the statutes during  
14 the period that begins on July 1, 2002, and ends on June 30, 2003.

15 (c) The secretary of administration shall determine for each state agency the  
16 amount that the agency would have been required to expend under section 40.05 (4)  
17 (br) and (by) of the statutes during the period that begins on July 1, 2002, and ends  
18 on June 30, 2003, and from each appropriation from which the moneys would have  
19 been expended, other than appropriations of federal revenues.

20 (d) From each sum certain appropriation of general purpose revenue identified  
21 in paragraph (c), the secretary of administration shall lapse to the general fund the  
22 amount specified in paragraph (c) that would otherwise have been expended from  
23 each of the appropriations. The secretary shall make the lapse on the day on which  
24 the state agency would have been required to make the expenditure. After the